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NCSL Contacts: [Ben Husch](#), [Kristen Hildreth](#)

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The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

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Washington: 202-624-5400

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7700 East First Place, Denver, CO 80230

From: Max.Behlke@ncsl.org

Sent: Monday, March 5, 2018 4:33 PM

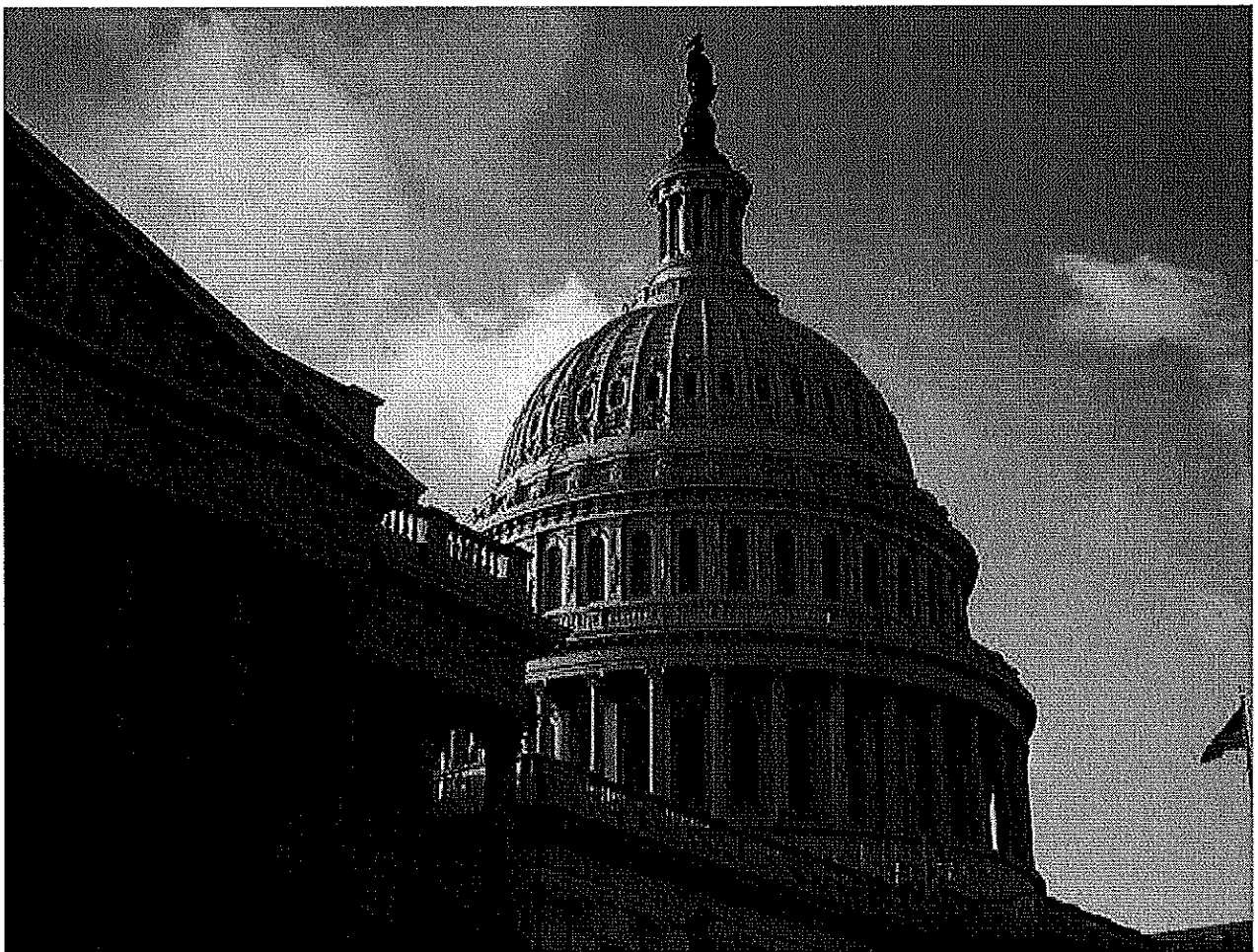
To: Rep30

Subject: Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Mar. 5, 2018

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Trump: New NAFTA Would Prevent Proposed Tariffs

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republican leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

NCSL Contacts: Jon Jukuri

This Week on Capitol Hill

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

DYK? Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

Roadblock to 2018 Infrastructure Bill?

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

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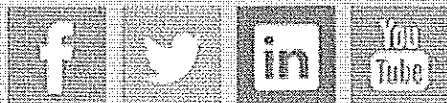
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7700 East First Place, Denver, CO 80230

From: Karen Gasper
Sent: Friday, March 16, 2018 9:39 AM
To: Rep30
Subject: Meeting Request for 3.21

Dear Representative Seitz,

I am reaching out on behalf of a member, who will be attending our lobby day on 3.21 who resides in your district, Mr. Joe Dearwester who resides at 4337 Turf Lane in Cincinnati. We would like to request a meeting with you. Our schedule allows for meetings from:

- 11:15 am to 12:15 pm
- 2 pm to 4:30 pm

We would like to discuss Right-To-Work and also Paid Family Leave.

Please let me know if you may have availability on that day to meet.

Thank you for considering this request.

Sincerely,

Karen Gasper
Deputy Political Director
UFCW
kgasper@ufcw.org
614.329.8094

From: Karen Gasper
Sent: Tuesday, March 20, 2018 6:49 PM
To: VanKirk, Robert
Subject: RE: Meeting Request for 3.21.18

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Thank you,

Karen

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Sent: Tuesday, March 20, 2018 5:58 PM
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Hello Karen,

Thanks for your email. Mr. Dearwester goes to Representative Seitz's church and he would be happy to meet him here. Unfortunately, he is unable to meet Wednesday, however please reach out if you would like to meet on a later date.

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Rob Van Kirk
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Ohio House of Representatives
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From: VanKirk, Robert
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To: 'Karen Gasper'
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Hi Karen,

Yes! Mr. Crum is part of our staff and he is looking forward to meeting you tomorrow. Thank you for contacting me and clarifying this. If you have any further questions, please feel free to reach out.

Best,

Rob VK

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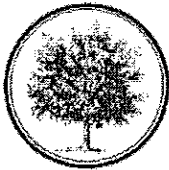
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From: The Buckeye Institute
Sent: Monday, March 26, 2018 2:54 PM
To: Rep30
Subject: Federalist Society's Ohio Lawyers Conference April 6 Features Buckeye Experts

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THE BUCKEYE INSTITUTE

Robert Alt, president and chief executive officer, and Daniel J. Dew, legal fellow at The Buckeye Institute are featured speakers at the **Federalist Society's 2018 Ohio Lawyers Chapters Conference** on Friday, April 6.

The one-day conference still has a few spots left (register now to guarantee your seat at what promises to be a great event).

We hope you will consider attending, particularly if you have an interest in legal issues and/or either the Janus case or criminal justice reform-Robert's and Daniel's respective topics of discussion.

Friday, April 6, 10:30 a.m. - 5:00 p.m. at the Westin Columbus (310 High Street).

Register

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Buckeye's president and CEO Robert Alt will moderate the luncheon panel discussion on *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Alt attended oral arguments in the case, which were heard by the United States Supreme Court on February 26.

The case turns on the question of whether "agency fee" arrangements—which require workers to pay union fees to public sector unions to cover the unions' activities other than political action—violate the First Amendment.

The Buckeye Institute filed two **amicus** briefs in the case arguing that overturning *Abood v. Detroit Board of Education* is unlikely to cause significant decline in union membership or spending, with Alt saying that the case "has the potential to be one of the most important labor and free speech cases in the past 40 years."

The panelists are:

- William L. Messenger, staff attorney at the National Right to Work Legal Defense Foundation; and
- L. Camille Hebert, Carter C. Kissell professor of law at Moritz College of Law at The Ohio State University.

Buckeye's legal fellow Daniel Dew, author of *"Money Bail": Making Ohio a More Dangerous Place to Live*, will speak on the panel "Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?" The panel will look at a range of issues including over-criminalization, prison reform, bail reform, and sentencing guidelines reform.

The panel will be moderated by the Honorable Sharon Kennedy, associate justice on the Ohio Supreme Court, and panelists are:

- Dave Yost, Ohio state auditor;
- Daniel J. Dew, legal fellow at The Buckeye Institute's **Legal Center**; and
- Heather Childs, vice president, compliance, Capital One.

The conference will also feature opening remarks by Chad A. Readler, acting assistant attorney general of the United States Department of Justice Civil Division, and will include panels on originalism, federalism, and analyzing Ohio's judicial system and the Ohio Supreme Court.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, nonprofit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.

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TOP NEWS

Analysis

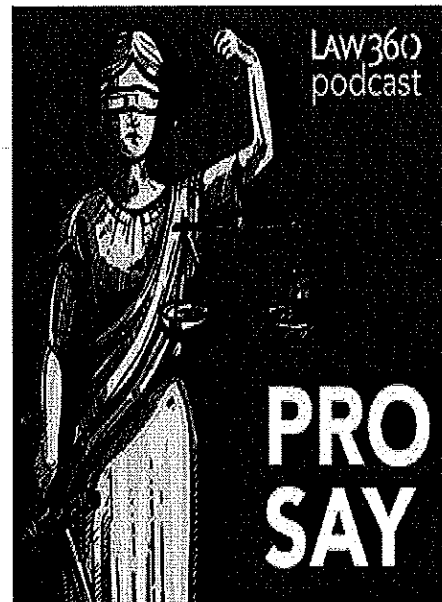
Red Flags For States Conforming To New Federal Tax Law

Conforming state tax codes to the new federal regime should bring simplicity, but tax policy experts of all stripes are warning states to stay away from certain provisions they say foster complexity, benefit the wrong taxpayers or will lead to loss of revenue. [Read more »](#)

Supreme Court Resistant To New Way To Read 4-1-4 Rulings

The U.S. Supreme Court acknowledged Tuesday that there's no great way to read its fractured rulings that lack a clear majority opinion, but suggested that one litigant's proposal to solve the problem would result in "chaos" and throw the justices out of whack. [Read more »](#)

DHS Seeks End To Kaspersky Software Ban Challenge



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LAW FIRMS

Baker McKenzie
Barnhouse Keegan
Bracewell

The U.S. Department of Homeland Security asked a D.C. federal judge Monday to end a lawsuit from Moscow-based Kaspersky Labs over a ban on its antivirus products, claiming U.S. authorities have indisputably valid concerns that Russian spies could commandeer the company's software. [Read more »](#)

FCC's April Agenda To Include Spectrum Auction Framework

The Federal Communications Commission said this week it is expected to move forward at its April meeting with setting the framework for upcoming spectrum auctions in the 24 and 28 gigahertz bands, along with tackling issues of rural call completion and business data services regulation. [Read more »](#)

State AGs Back Fed. Suit Over California Immigration Laws

A group of attorneys general and governors from 18 states on Monday voiced their support for a federal government lawsuit targeting statutes in California that allegedly obstruct federal immigration law enforcement, adding that the Golden State's laws are also preempted under U.S. Supreme Court precedent. [Read more »](#)

9th Circ. Calls For Input On Minor League Wage Exemption

The Ninth Circuit on Monday asked minor league baseball players and Major League Baseball to weigh in on new legislation that exempts the players from federal wage-and-hour requirements amid an ongoing labor dispute. [Read more »](#)

MEDIA & ENTERTAINMENT

FCC's O'Reilly Defends Media Ownership Deregulation

One Republican member of the Federal Communications Commission defended the agency's latest push to pull apart its current

Buchalter PC
Cadwalader Wickersham
Casellas Alcover
Clifford Chance
Cohen Milstein
Cravath Swaine
Debevoise & Plimpton
Dentons
Fortney & Scott
Gibson Dunn
Goldman Antonetti
Hinshaw Marsh
Hochman Salkin
Holland & Knight
Jones Day
Kemp Smith
Kirkland & Ellis
Korein Tillery
Kramer Levin
Maslon LLP
Morrison & Foerster
O'Melveny & Myers
O'Neill & Borges
Orrick Herrington
Pearson Simon
Proskauer Rose
Schiff Hardin
Vorys Sater
Weil Gotshal

COMPANIES

AT&T Inc.
Adobe Systems Incorporated
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations

media ownership rules, in a Tuesday speech before one of the commission's advisory committees. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Georgetown Groups' Flight Path Suit Too Late, DC Circ. Says

The D.C. Circuit on Tuesday rejected a challenge from Georgetown University and local groups seeking to block the Federal Aviation Administration from routing aircraft over their neighborhood under newly implemented flight paths that they alleged violated environmental and historic preservation laws, saying their petition came too late. [Read more »](#)

EMPLOYMENT

Mich. Gov. Signs Bill Forbidding Salary History Question Bans

Michigan Gov. Rick Snyder on Monday signed a bill that forbids local governments from limiting the questions businesses can ask during job interviews, bucking the trend of states and municipalities encouraging equal pay by blocking employers from asking applicants about their salary histories. [Read more »](#)

7th Circ. Skeptical Of Ill. Village's Right-To-Work Law

The Seventh Circuit on Tuesday seemed wary of overturning a lower court's order invalidating an Illinois village's local right-to-work ordinance, with one judge saying the village's stance that the National Labor Relations Act doesn't preempt state municipalities from making their own calls on such laws would "create massive chaos." [Read more »](#)

COMPETITION

Apple Inc.
Association of Corporate Counsel
Berkeley Research Group
Berkshire Hathaway Inc.
Cable News Network Inc.
Center on Budget and Policy Priorities
CenturyLink Inc.
Chevron Corporation
Chicago Bears
Cleveland Cavaliers
Cox Communications Inc.
DISH Network Corporation
ESPN Inc.
Equifax Inc.
Experian
Exxon Mobil Corporation
GSM Association
Google Inc.
Home Box Office Inc.
International Association of Privacy Professionals
International Union Of Operating Engineers
KPMG International
Kansas City Royals
Kaspersky Lab Ltd.
Lambda Legal Defense & Educational Fund
Major League Baseball Inc.
Major Lindsey & Africa
NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
National Rifle Association of America
Netflix Inc.

Exec Stopped On AT&T-Time Warner Transcript At 'Good Stuff'

The Dish executive in charge of its online live television service said in D.C. federal court Tuesday that he stopped reading a trial transcript in the AT&T-Time Warner merger case, which should have been kept from him, just as he'd "gotten to the good stuff." Read more »

CYBERSECURITY & PRIVACY

Commerce Fighting Data Localization Efforts, Official Says

The U.S. Department of Commerce has increasingly been working to find common ground on privacy issues with foreign governments in order to clamp down on calls for mandates that companies only store their data locally, an agency official said Tuesday. Read more »

Senate Still Struggling With Data Breach Bill, Aide Says

U.S. Senate leaders are close to reaching an agreement on a legislative proposal that would establish a national data breach notification and security standard that many companies have clamored for, but longstanding disagreements over the bill's scope and preemption are likely to impede its progress through Congress this year, a Commerce committee staffer said Tuesday. Read more »

AEROSPACE & DEFENSE

Judge Wants Explanation On DOD's New Transgender Policy

A Washington federal judge on Tuesday gave the federal government and current and prospective transgender military service members a week to lay out constitutional arguments on President Donald Trump's new policy allowing some transgender troops to openly serve, pushing back a previously

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Synopsis Inc.
TBS International Limited
Tax Foundation
Texas Rangers
The DIRECTV Group, Inc.
Time Warner Inc.
Tribune Media Co.
Turner Broadcasting System Inc.
Twitch Interactive Inc.
Twitter Inc.
Union Bank
Washington Post Co.
YouTube Inc.

GOVERNMENT AGENCIES

Administration for Children and Families
Bureau of Citizenship and Immigration Services
California Department of Justice
Department of Commerce
European Union
Federal Aviation Administration
Federal Communications Commission
Financial Crimes Enforcement Network
Florida Attorney General's Office
Internal Revenue Service
International Trade Administration
NAFTA
National Indian Gaming Commission
National Security Agency
National Telecommunications and Information Administration
Navajo Nation
New York State Department of Financial Services

imminent ruling on an earlier version of the policy. [Read more »](#)

INTERNATIONAL TRADE

Canada Beefs Up Border Controls After New US Metal Tariffs

Canada rolled out new measures Tuesday aimed at blocking steel and aluminum from being diverted into the country due to its exemption from recently enacted U.S. tariffs on the metals. [Read more »](#)

TAX

IRS Plans To Limit Contracted Law Firms' Role In Audits

Private attorneys with whom the IRS contracts to aid in audits would no longer be allowed to review taxpayer information unless they possess expertise in foreign, state or local tax laws, according to a proposal the revenue agency issued on Tuesday. [Read more »](#)

IRS Nominee Rettig Discloses \$1.1M In Salary, Names Clients

Charles Rettig, President Donald Trump's nominee for IRS commissioner, said he received more than \$1.1 million in salary from his law firm and disclosed other sources of employment income and assets from companies including Berkshire Hathaway Inc., AT&T Inc. and Exxon Mobil Corp. in a financial report shared with Law360 on Tuesday. [Read more »](#)

China To Cut VAT Rates As Part Of Tax Overhaul

China will cut value-added tax rates for its manufacturing and transportation sectors as part of the country's overhaul to replace the business tax with the VAT, China's finance minister said. [Read more »](#)

Fax Machines Have Overstayed IRS Welcome, Lawmaker Says

Small Business Administration
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Government Ethics
U.S. Senate
U.S. Sentencing Commission
U.S. Supreme Court
Washington Attorney General's Office
Ysleta del Sur Pueblo

The Internal Revenue Service's urgently needed overhaul includes replacing its fleet of fax machines with updated information technology hardware, according to an op-ed article published Monday and written by the chairwoman of the House Ways and Means Oversight Subcommittee, which will consider legislation to revamp the agency. [Read more »](#)

NJ Assembly Amends Bill Expanding Biz-Friendly Zones

The New Jersey Assembly amended a bill Monday that seeks to extend the duration of the state's urban enterprise zone designations and resurrect the qualification for five municipalities whose designations expired on Jan. 1. [Read more »](#)

BANKRUPTCY

Puerto Rico Energy Regulator Seeks Injunction In PREPA Case

Fighting for what it believes is a mandatory role in the fiscal plan certification process of Puerto Rico's publicly owned electric utility, the territory's energy regulator argued to a New York federal judge on Tuesday that its oversight duties are being overrun in the island's restructuring proceedings. [Read more »](#)

IMMIGRATION

US Chips Away At S. Korean Car, Drug Barriers

The Trump administration confirmed Tuesday that it has wrapped up its talks with South Korea to amend their 2012 bilateral trade deal and offered new insights on the changes made to the deal's rules covering cars, environmental standards and drug reimbursements. [Read more »](#)

Immigration Bill Roundup: Child Custody, Census Questions

Members of the 115th Congress have introduced bills that would protect the rights of immigrants in child custody issues and bar citizenship questions from U.S. Census forms. [Read more »](#)

Calif. Sues Administration Over Census Citizenship Question

The U.S. Department of Commerce announced late Monday that it will reinstate a question on citizenship status in the 2020 census, inciting a legal challenge from the state of California arguing that it will cripple response rates. [Read more »](#)

DOJ Must Review Docs In FOIA Suit Over Immigration Appeals

An Illinois federal judge on Tuesday determined that the U.S. Department of Justice properly withheld documents related to decisions by previous attorneys general after an immigrants advocacy group sought copies of them, but held that the department may have erred in holding onto others from public view. [Read more »](#)

Trump Ends Work Permit Program For Some Liberians

President Donald Trump said Tuesday he would end a work authorization program known as Deferred Enforced Departure for a small group of Liberians, initiating a 12-month wind-down period before they will be obligated to leave the U.S. [Read more »](#)

NATIVE AMERICAN

HHS' \$7.3M Funding Cut To Navajo Nation Overturned

A D.C. federal judge on Tuesday overturned a \$7.3 million reduction in the government's funding for the Navajo Nation's early education programs, deciding that even though enrollment had dropped, the tribe wasn't

provided with the necessary due process options to fight the changes. [Read more »](#)

Tribe Can't Dodge Texas' Suit Over Bingo Machines

A Texas federal judge refused Monday to dismiss the Lone Star State's lawsuit accusing a Pueblo tribe of illegally operating electronic bingo machines, finding that the tribe didn't prove its activity was exempt from Texas' nuisance law. [Read more »](#)

TELECOMMUNICATIONS

NTIA Head Cheers Efforts To Free Up Spectrum For 5G

The head of the National Telecommunications and Information Administration on Tuesday touted the agency's efforts to identify underused spectrum with potential for wireless use, saying proposals to convert spectrum allocated for military radar systems and satellite TV could free up 750 megahertz for use by 5G networks. [Read more »](#)

House Dems Probe FCC Speeches At Right-Leaning CPAC

Democratic members of a key House panel in a letter Monday questioned the ethics of Republican Federal Communications Commission members attending the Conservative Political Action Conference last month, asking whether taxpayer dollars had been used to advocate conservative causes. [Read more »](#)

CIVIL RIGHTS

Fla. Ordered To Revamp Felon Voter Restoration System

A Florida federal judge on Tuesday ordered the governor to establish a new, uniform system for restoring voting rights to felons after finding that the current process, which gives the governor unfettered discretion, violates the

First and Fourteenth Amendments. [Read more »](#)

Ex-Student Says Univ. Botched Sex Assault Probe Against Him

A former Illinois State University student sued the school in Illinois federal court Tuesday, alleging ISU violated his due process rights when he was suspended from the school during an investigation of sexual assault allegations made against him that allegedly turned out not to be true. [Read more »](#)

EXPERT ANALYSIS

Complying With 2 New AML Rules As Deadlines Approach

Two landmark anti-money laundering rules — the federal beneficial ownership rule and New York's transaction monitoring rule — have compliance deadlines coming up in the next few weeks. A variety of events may impact a financial institution's ability to comply, says Walter Mix of Berkeley Research Group. [Read more »](#)

Regulation Of Sports Gambling Will Decide Esports' Fate

Esports is going to have a major impact on traditional sports, and the U.S. Supreme Court's upcoming sports gambling holding in *NCAA v. Christie* is going to have a major impact on esports, say Holland & Knight LLP attorney David Lisko and law student Viktor Lyusi. [Read more »](#)

To Hold Or Not To Hold: S Corps And The Carried Interest Rule

Without an amendment to what is widely believed to be a drafting error in the Tax Cuts and Jobs Act, there may be a strong argument that the new regulations implementing IRC Section 1061 are invalid. Taxpayers evaluating whether to hold carried interests through an S corporation need to assess whether the potential benefit justifies the time and expense

of countering an IRS challenge, say Elizabeth McGinley and Steven Lorch of Bracewell LLP. [Read more »](#)

Changes For Youth Football In California And Beyond

Two California legislators recently announced a bill designed to prevent brain injuries during youth football games by restricting tackle football programs to the high school level. Organizations with youth football programs should anticipate that jurisdictions throughout the country will begin advancing similar restrictions, say Anne Marie Ellis and Paul Alarcon of Buchalter PC. [Read more »](#)

Equity Partnership Isn't What It Used To Be

To many young attorneys, becoming an equity partner shows a firm's long-term commitment, meaning job security and a voice in important firm matters. However, the industry has changed and nowadays it may not be better to enter a new firm as an equity partner, says Jeffrey Liebster of Major Lindsey & Africa. [Read more »](#)

LEGAL INDUSTRY

Feature

What Law Firms Stand To Lose In The #MeToo Era

There is a reckoning coming for firms that continue to sweep sexual misconduct under the rug, experts say. Editor's note: final of a three-part series. [Read more »](#)

Punk Rock Ob-Gyn Gives Juror CPR, Gets Med Mal Mistrial

Facing the first day of a medical malpractice trial on Tuesday, a San Jose obstetrician-gynecologist who once drummed for The Offspring proved his punk rock bona fides rushing to the aid of a prospective juror in cardiac arrest, delivering CPR but forcing a

mistrial over concerns his medical heroics could bias jurors in his favor. [Read more »](#)

Partner Pay Gaps At Dentons, Clifford Chance Average 25%

Female partners at two U.K. global law firms are paid on average approximately 25 percent less than their male counterparts, according to gender pay gap reports released by the firms Tuesday. [Read more »](#)

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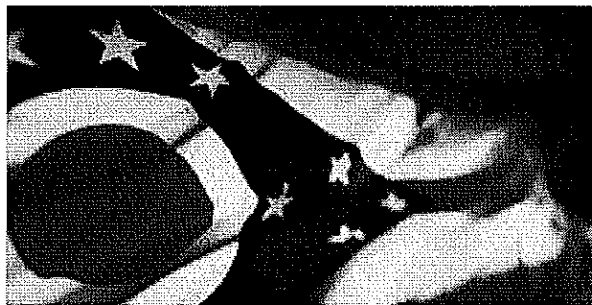
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April 6

2018 Ohio Lawyers Chapters Conference

10:30 AM - 5:00 PM

The Westin Columbus

The 2018 Ohio Lawyers Conference is now approved for **4.5 hours of CLE credit**. Reserve your spot now; beginning on April 4, the price will increase. This

will also be the last Federalist Society event in Columbus until late May or early June; do not miss it.

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The complete schedule:

Opening Remarks

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

Introduction to Originalism and Federalism: Where Are the Courts Heading?

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil Gorsuch’s joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law
- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

Lunch Discussion: *Janus v. American*

Lunch Buffet: 12:15 PM - 12:30 PM

Discussion: 12:30 PM - 1:30 PM

Earlier this year the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case turns on the question of whether “agency fee” arrangements—which require workers to pay union fees to public sector unions to cover the unions’ activities other than political action—violate the First Amendment to the United States Constitution. The Supreme Court previously found such mandatory union fees to be constitutional in *Abood v. Detroit Board of Education* (1977). However, in 2016, the Supreme Court split 4-4 on this question in *Friedrichs v. California Teachers Association*. William L. Messenger, who delivered the oral argument on behalf of Mark Janus, will explain the legal arguments in favor of his client’s position. Professor Hebert will explain the legal arguments in favor of the union’s position. Mr. Messenger and Professor Hebert will also discuss how public sector unions could be impacted if the Supreme Court finds agency fee arrangements to be unconstitutional.

- **L. Camille Hebert**, Carter C. Kissell Professor of Law, Moritz College of Law at Ohio State University
- **William L. Messenger**, Staff Attorney, National Right To Work Legal Defense Foundation

- **Robert Alt**, President and Chief Executive Officer, The Buckeye Institute (**Moderator**)

Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Heather Childs**, Vice President, Compliance, Capital One
- **Daniel Dew**, Legal Fellow, Buckeye Institute
- **Hon. Dave Yost**, Ohio State Auditor
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

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Analyzing Ohio's Judicial System and the Ohio Supreme Court

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in

the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court
- **Hon. Melody Stewart**, Eighth District Court of Appeals
- **Douglas R. Cole**, Partner, Organ Cole LLP (**Moderator**)

Reception

4:30 PM - 5:30 PM



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TOP NEWS

Feinstein Calls For Bipartisan Process On 9th Circ. Pick

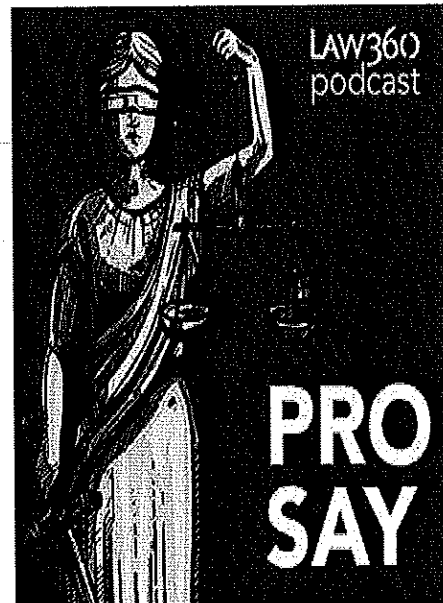
Sen. Dianne Feinstein, D-Calif., defended her state's bipartisan judicial nomination process Friday in the wake of the death of U.S. Circuit Judge Stephen Reinhardt, saying she would defend the Ninth Circuit from a "partisan attack" by President Donald Trump. Read more »

Consovoy McCarthy Will Represent Trump In Emoluments Suit

Consovoy McCarthy Park PLLC announced on Friday that it will represent President Donald Trump in a Maryland federal lawsuit alleging his undivested business interests violate the U.S. Constitution, specifically emoluments clauses that bar gifts or payments from foreign powers. Read more »

Analysis

Climate Change Gap Between Trump, Courts Poised To Grow



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A flurry of recent court rulings ordering federal agencies to beef up their climate change reviews for energy development projects lays bare the rift between the judicial and executive branches over the issue, a rift experts say will only widen with President Donald Trump's demand that agencies scrub climate change from their environmental reviews. [Read more »](#)

Analysis

Step Up On Pay Equity Or Get Caught Flat-Footed, Attys Warn

More and more states are passing laws making it easier for workers to sue their employers over unfair gaps in pay and win more money doing it, putting the onus on businesses to get ahead of the trend or risk getting swept up in a wave of litigation, experts say. [Read more »](#)

Analysis

Expanded OMB Oversight Could Cause Taxpayer Headaches

Expansion of the Office of Management and Budget's authority to review certain regulations issued by the U.S. Treasury and the IRS, now being negotiated, could burden taxpayers and tax practitioners with costly delays in the issuance and implementation of guidance, particularly with regard to the new tax law. [Read more »](#)

Feature

NJ AG Division Head Focused On Next Generation Of Leaders

Now leading the Division of Law in the New Jersey Attorney General's Office after more than two decades there, Michelle Miller is looking to build up her staff while maintaining current policies and developing the next generation of attorneys who will guide an institution she said needs to be a "rock solid, steady hand" in helping to run state government. [Read more »](#)

ENERGY & ENVIRONMENTAL

Brown Rudnick
Brownstein Hyatt
Clifford Chance
Cohen Milstein
Consovoy McCarthy
Cooley
Crowell & Moring
DLA Piper
Dentons
Dorsey & Whitney
Drinker Biddle
Feldman Shepherd
Foley & Lardner
Fortney & Scott
Gibson Dunn
Greenberg Traurig
Gupta Wessler
Hogan Lovells
Holland & Hart
Holland & Knight
Jackson Lewis
Jones Day
Keller Rohrback
Kemp Smith
Kim & Chang
Kirkland & Ellis
Latham & Watkins
Linklaters
Littler Mendelson
Lowenstein Sandler
Manatt Phelps
Mayer Brown
McCracken Stemerman
McDermott Will
McGuireWoods
McMonagle Perri
Morgan Lewis
Morrison & Foerster

Va. High Court Lifts Hurdle For Renewable Energy Purchases

The Virginia Supreme Court on Thursday cemented a decision by a state regulator that makes it easier for customers there to buy renewable energy, in a blow for Dominion Energy. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Supreme Court Urged To Review LAX 'Labor Peace' Deals Spat

The National Right to Work Legal Defense Foundation joined other business interest groups urging the U.S. Supreme Court to review Los Angeles' requirement that airport businesses accept "labor peace agreements" with any union requesting one, saying Thursday the provision flies in the face of federal law and upends labor-management relations. [Read more »](#)

REAL ESTATE

Texas AG Wants Austin? 9s Short-Term Rental Ordinance Nixed

Texas Attorney General Ken Paxton on Thursday appealed to the state's Third Court of Appeals, asking it to overturn a trial court's decision that paved the way for the city of Austin's "stringent ordinance" related to short-term rentals to take effect, arguing that the rules are unconstitutional. [Read more »](#)

EMPLOYMENT

Wellness Rule Clarity May Wait For New Commish, EEOC Says

The U.S. Equal Employment Opportunity Commission told a Washington, D.C., federal judge on Friday that it may not put out new rules for incentivizing workplace wellness programs until Congress confirms outstanding

Munger Tolles
Nixon Peabody
Ogletree Deakins
Orrick Herrington
Paul Weiss
Perkins Coie
Polsinelli
Powers Pyles
Quinn Emanuel
Reed Smith
Riley Safer
Scharf Banks
Seyfarth Shaw
Sidley Austin
Skadden
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Steptoe & Johnson LLP
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Wilson Sonsini

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AT&T Inc.
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American Society Of Composers
Authors & Publishers
American Trucking Associations
Inc.
Andersen Corporation
Apple Inc.
Arctic Slope Regional Corp.
Association of Corporate Counsel
BTI Consulting Group Inc.

nominees for two seats on the commission, including the chair. [Read more »](#)

Ex-Pa. AG's Immunity Defense Can't End Retaliation Claims

Pennsylvania's disgraced former attorney general's erstwhile position as a government official does not fully immunize her from claims lodged by a group of former investigators that she used her position to retaliate against them, a federal judge ruled Thursday. [Read more »](#)

Probe NLRB Auditor Over Disclosures, Nonprofit Says

The nonprofit National Right to Work Foundation on Thursday asked for an investigation into whether the National Labor Relations Board's inspector general improperly disclosed confidential agency deliberations in two recent reports that examined member William Emanuel's participation in a controversial joint employment case. [Read more »](#)

CYBERSECURITY & PRIVACY

NYC To Roll Out Cybersecurity App, Strengthen Public Wi-Fi

New York City is planning to boost its cybersecurity posture by making available to its residents an app that will alert them to suspicious activity on their mobile phones and by fortifying its public Wi-Fi networks, the city's mayor said Thursday. [Read more »](#)

INTERNATIONAL TRADE

US Keeps Hammering China With New Trade Barrier Findings

The Trump administration's open rebuke of Chinese trade policy continued Friday as the White House released its annual update on commercial barriers around the globe and took broad swipes at Beijing's rules shielding its

Brunswick Corp.

CSP Inc.

Center for Internet Security

Citizens for Responsibility and Ethics in Washington

Competitive Enterprise Institute

Deloitte Touche

Dominion Energy Inc.

Ennis Inc.

Facebook

Ford Motor Company

Google Inc.

IAC/InterActiveCorp

Kaufman Rossin & Co.

Kraft Foods Inc.

Lyft Inc.

Major Lindsey & Africa

McDonald's Corporation

Melaleuca Inc.

National Immigration Law Center

National Right to Work Legal Defense Foundation

Natural Resources Defense Council

Public Broadcasting Service

Public Company Accounting Oversight Board

Quill Corp.

Service Employees International Union

Southern Environmental Law Center

Spokeo Inc.

Spotify Technology SA

Texas Public Policy Foundation

The American Law Institute

The Harry Fox Agency Inc.

Trump Organization Inc.

Twitter Inc.

largest industrial and technological companies.
[Read more »](#)

BANKRUPTCY

House Panel Skewers Puerto Rico Fiscal Board's Performance

The federal board charged with stewarding Puerto Rico's financial rehabilitation has fallen well short of expectations since it was installed nearly two years ago, a U.S. House committee said in a letter Thursday, complaining the board must do more to reach debt restructuring deals with the territory's creditors. [Read more »](#)

TAX

NY Passes \$168.3B Budget, Becoming 1st To Tackle TCJA

The New York Legislature passed a \$168.3 billion budget early Saturday that includes the first attempt by a state to take on parts of the recent federal tax overhaul, rejiggering the state tax code, creating an optional payroll tax and allowing for the creation of state and local charitable funds to promote donations in exchange for tax breaks. [Read more »](#)

IMMIGRATION

9th Circ. Allows Refugee Family Ban Challenge To Proceed

The Ninth Circuit on Thursday refused to vacate an injunction that has prevented the Trump administration from carrying out its October ban on refugee admissions from 11 countries, remanding the case to determine if the administration is complying with the terms of that injunction. [Read more »](#)

Teen Detainees Win Block On Abortion Ban, Class Cert.

The Trump administration can't prevent detained immigrant teenagers from getting abortions, a Washington, D.C., federal judge held Friday in a decision granting class

U.S. Chamber of Commerce
Wayfair LLC
Zeughauser Group LLC

GOVERNMENT AGENCIES

Bureau of Indian Affairs
Bureau of Labor Statistics
Bureau of Land Management
Bureau of Reclamation
Confederated Tribes of the Colville Reservation
Copyright Royalty Board
Council of Inspectors General on Integrity and Efficiency
Council on Environmental Quality
Delaware Court of Chancery
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Election Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Indian Health Service
Internal Revenue Service
International Trade Commission
Kiowa Tribe of Oklahoma
Legal Services Corp.
Los Angeles World Airports
Lumbee Tribe of North Carolina
Maryland Attorney General's Office
National Labor Relations Board
Native Village of Barrow
Navajo Nation
New Jersey Attorney General's Office
New Jersey Legislature

certification to the girls and finding the policy may violate their constitutional rights. [Read more »](#)

Calif. AG Offers Guidelines On Immigration Enforcement Laws

The California Justice Department has issued guidelines to local law enforcement agencies on a new law that imposes limits on how they can aid federal immigration enforcement, as the state gears up for a legal battle with the federal government over its sanctuary immigration policies. [Read more »](#)

States, ACLU Urge Justices To Uphold Pause On Travel Ban

The American Civil Liberties Union, immigration law scholars and states such as New York, California and Massachusetts were among the dozens of entities that filed briefs Friday urging the U.S. Supreme Court to uphold a lower court's injunction that called for a pause of the Trump administration's ability to implement a travel ban for nationals of primarily Muslim countries. [Read more »](#)

NATIVE AMERICAN

Feature

White House Still Filling Agency Ranks For Indian Country

The Trump administration has made significant headway putting federal officials serving Native American tribes and their members in place, but several key appointments are held up in the confirmation process, while other important positions remain open after early selections fell through. Here, Law360 brings you up to speed on the Trump administration's progress filling the roles that are crucial to Indian Country. [Read more »](#)

Texas Tribe Can Keep Operating Bingo Machines, For Now

The state of Texas can't yet stop a Pueblo tribe from operating electronic bingo machines on

Office of Surface Mining
Reclamation and Enforcement

Office of the U.S. Trade
Representative

Oglala Sioux Tribe

Quapaw Tribe of Oklahoma

U.S. Air Force

U.S. Commission on Civil Rights

U.S. Copyright Office

U.S. Department of Energy

U.S. Department of Health and
Human Services

U.S. Department of Housing and
Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection
Agency

U.S. Forest Service

U.S. House of Representatives

U.S. Immigration and Customs
Enforcement

U.S. Senate

U.S. Supreme Court

U.S. Uniform Law Commission

United States District Court for the
Eastern District of Pennsylvania

World Trade Organization

Ysleta del Sur Pueblo

its reservation, a Texas federal judge said Thursday, adopting a magistrate judge's recommendation but rejecting his reasoning. [Read more »](#)

Mich. Tribe's Battle For Federal Recognition Partially Cut

A D.C. federal judge on Thursday kept afloat part of a Michigan band of Native Americans' suit against the United States over its lack of federal recognition, refusing to toss claims challenging the Bureau of Indian Affairs' 2015 regulations that barred the band from repititioning for recognition. [Read more »](#)

TELECOMMUNICATIONS

NYC Official Quits FCC Committee, Citing Industry Bias

New York City's chief technology officer has left a Federal Communications Commission advisory board that works on broadband access equality, becoming the second big-city official to defect this year over an alleged tilt toward industry priorities. [Read more »](#)

Senators Oppose FCC's Planned Lifeline Eligibility Changes

A group of 10 senators on Thursday urged the Federal Communications Commission to rethink its proposed shakeup to the Lifeline subsidy program, saying the changes would cut off service for many of the program's recipients. [Read more »](#)

WHITE COLLAR

Ex-Ill. Rep. Fights Indictment Over Alleged Misuse Of Funds

An ex-Illinois congressman indicted for allegedly mispending over \$100,000 in campaign and government funds railed at federal prosecutors Wednesday for pursuing the case, likening them in a Seventh Circuit brief to doomsday prophets who cling to their

prediction the world will end even after the date has passed. [Read more »](#)

Q&A

Q&A

Goodwin Liu Talks Academia, Constitutional Law, Oxtail Stew

California Supreme Court Associate Justice Goodwin Liu discusses his interest in constitutional law, the transition from academia to judgeship, and the challenges that Asian-Americans currently face in the legal industry, as well as some of his personal hobbies. [Read more »](#)

EXPERT ANALYSIS

Single Factor Income Apportionment: Inconsistent Standard

A majority of states claim that in-state sales are sufficient nexus to collect corporate income tax from businesses physically located across state lines, but income apportionment methods are inconsistent. Companies need to be prepared for the day one state seeks to collect a share of income tax that's already been paid to another, says Glenn Newman of Greenberg Traurig LLP. [Read more »](#)

McDonald's Deal Leaves Status Quo On Joint-Employer Test

With its recent agreement to settle numerous high-profile disputes over whether it is a joint employer with its franchisees, McDonald's has avoided prolonged litigation and a potentially adverse decision that could have had sweeping ramifications for franchisors and their franchisees nationwide, says Steven Gutierrez of Holland & Hart LLP. [Read more »](#)

Prosecutors Should Be Wary Of Overreach After Marinello

The U.S. Supreme Court's rejection of the government's broad interpretation of a criminal tax obstruction statute in *Marinello* may have

implications for special counsel Robert Mueller's indictments and the case involving alleged leaks from the Public Company Accounting Oversight Board, say attorneys with Brown Rudnick LLP. [Read more »](#)

ITC's US Steel Decision Unlikely To Have Broad Impact

In a long-awaited decision, the U.S. International Trade Commission ruled this month that a complainant alleging price-fixing as an unfair act under Section 337 must also allege an antitrust injury, as would be required in federal district court. But the decision is unlikely to apply beyond the narrow area of standing in antitrust cases, says David Hickerson of Foley & Lardner LLP. [Read more »](#)

Opinion

Music Licensing Reform Is Singing The Same Old Song

The recently introduced Music Modernization Act has received widespread support from most parts of the industry and would be an improvement over the status quo. However, the MMA reinforces many of the long-standing aspects of music licensing that hinder competition, say Thomas Lenard of the Technology Policy Institute and Lawrence White of the NYU Stern School of Business. [Read more »](#)

LEGAL INDUSTRY

Feature

5 Ways To Know You're Ready To Go In-House

Whether it's a desire to be part of a cohesive team working toward a common goal or to apply a passion for business, there are a variety of reasons for both new and experienced lawyers to consider an in-house position. Here, Law360 looks at five indicators that can help attorneys decide whether in-

house jobs are suitable for their lifestyles and professional goals. [Read more »](#)

McDermott Nabs 50 DLA Piper Attys, Expects \$100M Boost

Illinois-based McDermott Will & Emery LLP has hired approximately 50 DLA Piper attorneys across the country for its real estate finance, employment and litigation groups and has plans to open a new office in San Francisco this year, according to an internal memo Law360 obtained Friday. [Read more »](#)

Foley, Gardere Strike Deal To Form \$830M Revenue Firm

Foley & Lardner LLP and Gardere Wynne Sewell LLP said Friday they have agreed to combine, giving Foley a significant presence in the growing legal hot spot of Texas and pushing the new firm up to the top tier of BigLaw with a combined \$830 million in revenue. [Read more »](#)

Podcast

Law360's Pro Say: Is Time Up For BigLaw Arbitration Pacts?

On the latest episode of Law360's Pro Say podcast, we discuss how Munger Tolles dropping mandatory arbitration agreements may be the start of BigLaw's #MeToo reckoning; Oracle's billion-dollar copyright case against Google; associates held in contempt for following partners' orders; and a famous drummer-turned-doctor who rushed to the aid of a juror during his own medical malpractice trial. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

More than a dozen attorneys have attained all-star recognition among corporate counsel for at least the second consecutive year for commitment to their clients, a report found that leaders of businesses' legal departments value unmatched client focus and experience from their outside counsel above all other traits, and

Vimeo General Counsel Michael Cheah spoke to Law360 about why he's on the front lines of the fight over the future of net neutrality. These are some of the stories in corporate legal news you may have missed in the past week. [P B](#)
[Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more ½ B](#)

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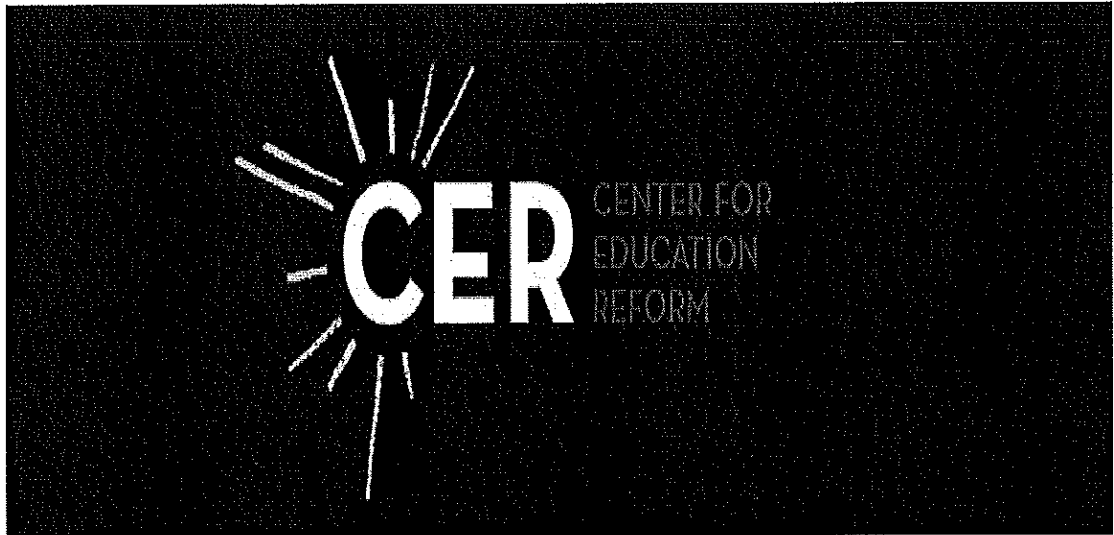
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newswire@

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

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CAUTION: This newswire contains serious and thought-provoking commentary on teacher pay and teacher strikes.

IN LIGHT OF THE TEACHER STRIKES, we are compelled to bring you some facts, research and data about teacher pay that we hope will enlighten and inform readers and help you avoid simply falling into the trap of saying to yourself, "Oh wow, this is awful that we pay teachers so poorly..." Indeed, we

do pay teachers poorly, and the pay scales and structures of how teachers are hired, rewarded, retained and paid later in retirement are completely broken. This is not an exhaustive analysis, just a smattering of thoughts that should propel you to do your research before jumping to conclusions.

MOST ARE OUTRAGED BY TEACHER PAY LEVELS. How bad are they, really? The answer is, It depends. Confirms the California education blog ED100: "It is difficult to accurately compare teacher pay with private sector pay, because they work differently. In a simple comparison, teacher salaries can seem worse than they are. Private-sector workers' retirement dollars flow through paycheck deductions and build up in a way that is easy to count. They show up on a monthly statement. They accumulate in an account... Teacher pensions, by contrast, don't accumulate. Like a life insurance contract, teacher pensions are a promise of future payments. The 'payout' on this contract varies mostly on how long the beneficiary lives." Incidentally, that payout results in teachers being able to retire and earn nearly their full salary for every year of their lives afterward.

Then there are union dues, which can be another \$600-\$1,000 a year, with no obvious benefit other than to be told why your profession is underpaid and encouraged to strike... This why tens of thousands of teachers oppose these compulsory paycheck fees, teachers like California's Rebecca Friedrichs who took her case to the Supreme Court and Illinois' Mark Janus who is awaiting the High Court's decision on his challenge (which will likely be handed down this June). (For background reading, see this op-ed by CER's CEO, Jeanne Allen, and listen to this podcast with Mark Mix, president of the organization that represents Mark Janus.)

STRIKING FOR THE WRONG THING? The teacher unions won't tell them, but the teachers who are striking across the country aren't going to solve anything even if the legislatures give them an annual raise. Why such a strident statement? Consider the following number: **\$1,000 PER PUPIL**. That's the annual cost of employee pensions. Imagine a school of 600 students

— that's \$600,000! Let's just say half those funds could go to teachers instead of the state pension coffers upfront. There are approximately 26 classroom teachers in a school that size, if we are talking a traditionally organized school. If you took just half of those funds and put them in teachers' salaries in that school, they'd be earning another \$11,000 a year each! Please note that these funds are above and beyond employee contributions, Social Security and taxes.

LET'S TALK MORE ABOUT PENSIONS. As teachers retire they will need to access the pensions they were promised and which the state has paid into. Those funds are paid by the current crop of teachers, to the tune of ten percent of their earnings. Let's take the average pay for an Oklahoma teacher — \$50,000 (which is equivalent to about \$76,000 in Stamford, Connecticut. For all you *New York Times* readers, the cost of living in the Northeast is between 40-60% higher). According to a study from the National Center for Analysis of Longitudinal Data in Education Research, "On average across state plans, over ten percent of current teachers' earnings are being set aside to pay for previously accrued pension liabilities. This amounts to a large reduction in real operating spending per student. . . . A significant fraction of the resources allocated toward teacher compensation in current public education budgets *is not being invested in resources to educate today's students at all.*"

WHAT TO DO? Researchers who have been studying this issue for years argue that there are several policy changes that could favor teachers while they work and reduce the pension burden that accumulates on states that are constantly threatened by shifting economic conditions: "(1) transition teachers to defined-contribution retirement plans, (2) transition teachers to cash-balance retirement plans, and (3) tighten the link between funding and benefit formulas within the current defined benefit structure."

IF YOU REALLY WANT TO GET SMART on teacher pensions, you need to spend some time here. The solutions guiding what teachers make and what

the state spends, on top of pension costs. There have been dramatic increases in the past ten years in public pension and benefit spending.

TIME TO RETHINK TEACHER PAY. We're rethinking everything else — higher ed, K-12, workforce, school safety — so how about teaching? First, compensation is wildly uneven, being delivered to teachers through schools based on state rules governing experience and pay schedules that often see teachers meeting the peak of their salary years after most other professions, in their 50s! As respected researcher Marguerite Roza writes for the left-leaning Brookings Institution, ***"...a disproportionate amount of available salary funds is concentrated on teachers at the end of their career."***

"District leaders are steering a disproportionate share of the highly constrained public education funds toward a small segment of the teaching force — the group of teachers *least* likely to leave teaching. The National Center for Education Statistics Teacher Follow up Survey reports that while fewer than four percent of teachers with more than 20 years' experience leave before retirement, 13.5 percent of teachers with under five years' experience do. The lower turnover among senior teachers might be a result of the higher salaries, or of proximity to pension earnings — we don't know for sure... But current distribution patterns leave few dollars for pay raises in a teacher's earlier years where turnover is most acute.

"These practices not only result in lower salaries for most teachers, they also channel funds in ways that jeopardize equity across schools and create havoc for district financial stability."

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"Most public-school teachers' salaries are determined by years in the classroom and degrees held. But a new study from the Manhattan Institute shows that the premium we pay for teacher experience is far greater than is typically acknowledged."

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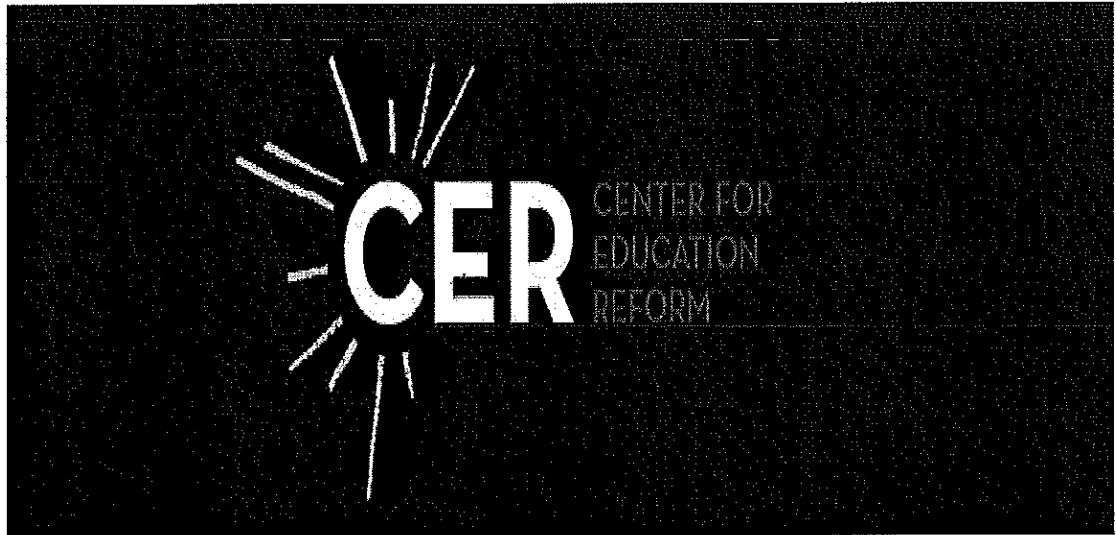
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Thursday, April 26, 2018



TOP NEWS

Tobacco Cos. Settle Long-Running Health Warning Dispute

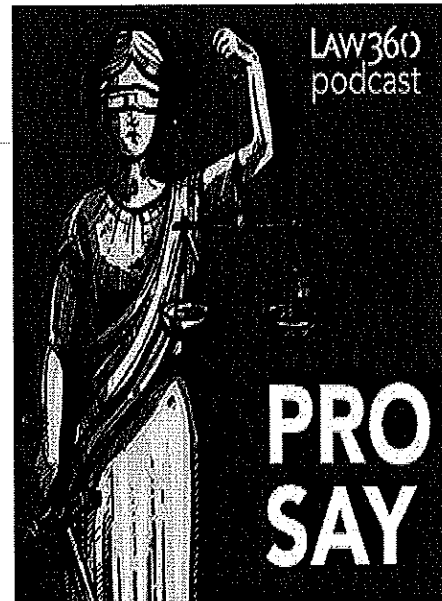
Major tobacco companies and the federal government on Wednesday told a D.C. federal judge they have agreed on language for "corrective statements" on tobacco product websites and packaging, ordered more than a decade ago to remedy misleading statements by the companies. [Read more »](#)

Justices Cautious To Tread On Trump's Power Over Travel Ban

The U.S. Supreme Court heard arguments Wednesday over the third version of President Donald Trump's travel ban, with the justices appearing skeptical of the state of Hawaii's assertion that the president overstepped his statutory immigration powers. [Read more »](#)

8th Circ. Sets Judges' Role In Asylum Group Status Decisions

An immigration judge is not required to clarify the bounds of a social group an asylum seeker



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LAW FIRMS

Anthony Kennedy PC
Arnold & Porter
Baker McKenzie

belongs to when no such group is proposed by the immigrant, the Eighth Circuit ruled Tuesday in denying a Guatemalan man's asylum bid. [Read more »](#)

SDNY Judges Say Berman To Stay On As Manhattan US Atty

Interim Manhattan U.S. Attorney Geoffrey Berman will stay on as top prosecutor for the Southern District of New York unless replaced by the Trump administration, Chief Judge Colleen McMahon said Wednesday, ending speculation about the coming expiration of his temporary White House appointment. [Read more »](#)

Lawmakers 'Troubled' By NLRB GC's Talks With Littler Atty

The top Democrats on the U.S. House of Representatives and Senate labor appropriations subcommittees told the National Labor Relations Board's general counsel Wednesday they were "troubled" by his apparent discussions with a Littler Mendelson PC attorney about reported plans to reorganize the agency. [Read more »](#)

Senate Dems Grill Trump Nominee For 5th Circ. Seat

Democrats on the Senate's Judiciary Committee on Wednesday grilled Texas Gov. Greg Abbott's general counsel Andrew S. Oldham, nominee to the Fifth Circuit Court of Appeals, over his record defending the state. [Read more »](#)

BANKING & SECURITIES

Mulvaney's Talk To Bankers Spurs Calls For His Resignation

The top Democrat on the Senate Banking Committee joined with consumer advocates Wednesday in calling on Consumer Financial Protection Bureau acting Director Mick Mulvaney to resign after he told a bank industry gathering this week that, while in

BakerHostetler
Barton LLP
Bradley Arant
Budd Lerner
Cohen Milstein
Covington & Burling
Dechert
Earthjustice
Gibson Dunn
Greenberg Traurig
Hogan Lovells
Jones Day
Kellogg Hansen
King & Spalding
Littler Mendelson
Ludwig & Robinson
Manatt Phelps
McCracken Stemerman
McGuireWoods
McNees
Meyer Glitzenstein
Pagel Weikum
Paul Hastings
Paul Weiss
Sidley Austin
Squire Patton Boggs
Stafford Rosenbaum
Steptoe & Johnson LLP
Steptoe & Johnson PLLC
Wagner Reese
Watts Guerra
Womble Bond Dickinson

COMPANIES

AT&T Inc.
Air Transport Association of America
Altria Group Inc.
American Bankers Association

Congress, he wouldn't meet with lobbyists who hadn't given him campaign contributions. [Read more »](#)

SEC's Jackson Decries 'Middle-Market Tax' On IPOs

U.S. Securities and Exchange Commissioner Robert Jackson decried Wednesday initial public offering fees as effectively a "middle-market tax" that dissuades more small to midsize companies from going public, and called for more robust disclosures explaining the cost of IPOs. [Read more »](#)

ENERGY & ENVIRONMENTAL

Judge Won't Wait For EPA In NRDC's Advisory Committee Suit

A Manhattan federal judge said Wednesday he wasn't convinced that the U.S. Environmental Protection Agency needed several months to submit administrative records to the court before he reviews an environmental group's challenge to the agency's policy barring certain grant recipients from serving on advisory committees. [Read more »](#)

Consol Beats Bid To Halt Mine Expansion Under Pa. Park

A Pennsylvania environmental appeals board on Tuesday shot down a petition seeking an immediate pause on a permit allowing Consol Energy Inc. to expand an underground coal mine, already the largest such operation in North America, below a state park. [Read more »](#)

Wash. Tribe Says Army Corps Permit Threatens Aquatic Life

The Swinomish Indian Tribal Community hit the Army Corps of Engineers with a suit in Washington federal court Tuesday, alleging the agency violated U.S. environmental law by not providing protections for habitats critical to a

American Civil Liberties Union
American Federation of Television
and Radio Artists

American Trucking Associations
Inc.

Associated Press

CONSOL Energy Inc.

Cisco Systems Inc.

Ernst & Young

Facebook

Friedman LLP

Hewlett Packard Enterprise Co.

Kaspersky Lab Ltd.

LinkedIn Corp.

Lippman Jungers LLC

Los Angeles Times

Mlegal Group Inc.

National Hispanic Medical
Association

National Immigration Law Center

National Rifle Association of
America

National Right to Work Legal
Defense Foundation

National Telephone Cooperative
Association

Natural Resources Defense
Council

NetApp, Inc.

New York Times Co.

New York University

Philip Morris USA Inc.

Physicians for Social Responsibility

Public Company Accounting
Oversight Board

Sierra Club

Spotify Technology SA

Syngenta AG

Tax Foundation

Time Warner Inc.

threatened salmon species in a nationwide permit for shellfish aquaculture. [Read more »](#)

HEALTH & LIFE SCIENCES

Dems Concerned House Opioid Bills Too Rushed

Democratic lawmakers expressed worry Wednesday that legislative efforts to curb the opioid crisis are being too hastily pushed through, saying that while action is needed, missteps can potentially worsen the epidemic. [Read more »](#)

Chiropractor Coverage Limits Not Biased, NJ Panel Says

A New Jersey state appeals court on Wednesday upheld a state health plan board's decision limiting out-of-network reimbursement rates for chiropractic and acupuncture services, rejecting a trade group's claims that the measure discriminated against chiropractors in violation of state law and the Affordable Care Act. [Read more »](#)

IP & TECHNOLOGY

House Passes Music Modernization Act Unanimously

The House of Representatives passed an overhaul to music copyright law Wednesday, changing how music services like Spotify and other online ventures pay royalties. [Read more »](#)

EMPLOYMENT

LAX Asks High Court To Reject 'Labor Peace' Deals Spat

The operator of Los Angeles International Airport told the U.S. Supreme Court on Wednesday that trade associations for airport services and major U.S. airlines don't have standing to challenge Los Angeles' requirement that airport businesses accept "labor peace agreements" with any union

Twitter Inc.

U.S. Chamber of Commerce

Union of Concerned Scientists

Villanova University

Washington Post Co.

Watanabe Nason

Wells Fargo & Co.

Yale University

GOVERNMENT AGENCIES

Army Corps of Engineers

Bay Mills Indian Community

California Air Resources Board

Centers for Disease Control and Prevention

Congressional Budget Office

Consumer Financial Protection Bureau

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

Los Angeles World Airports

National Highway Traffic Safety Administration

National Labor Relations Board

National Marine Fisheries Service

Securities and Exchange Commission

Social Security Administration

Swinomish Indian Tribal Community

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

requesting one, saying their claims are overblown. [Read more »](#)

COMPETITION

DOJ Weeding Out 'Legacy' Antitrust Judgments

The U.S. Department of Justice's Antitrust Division said Wednesday it is reviewing all the nearly 1,300 outstanding judgments from agency cases that are still in force, to eliminate judgments that are no longer needed — an initiative in line with the division's stated policy stance. [Read more »](#)

CYBERSECURITY & PRIVACY

DHS Must Improve Cybersecurity Protections, GAO Says

The Department of Homeland Security has made significant strides in thwarting cyberattackers in recent years but still needs to make improvements to ensure that the country's critical infrastructure is safe, a government watchdog report concluded Wednesday. [Read more »](#)

Bill Would Let Feds Quickly Ban Software From Gov't Use

Sen. Dianne Feinstein, D-Calif., introduced a bill that would give the federal government authority to ban the use of private companies' software across government without notice, in a measure she said would help shield federal computer systems from foreign attacks. [Read more »](#)

INTERNATIONAL TRADE

Defying Trump, Macron Calls For Scaling Back Trade Blitz

Addressing a joint session of the U.S. Congress on Wednesday, French President Emmanuel Macron called for a measured and diplomatic approach to global trade policy in open defiance of the Trump administration,

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

Wage and Hour Division

World Trade Organization

which has made a flurry of aggressive enforcement maneuvers in recent months. [Read more »](#)

TAX

Analysis

States Should Wait For Uniform Partnership Audit Law

While California's response to sweeping federal changes to the centralized partnership audit regime may serve as a guidepost for other state legislatures, tax specialists say holding out for the finalization of a uniform code could help mitigate administrative burdens on multistate partnerships. [Read more »](#)

US Tax Law Likely To Run Afoul Of WTO Rules, Panelists Say

The Tax Cuts and Jobs Act rules concerning foreign-derived intangible income are very likely to be seen as a subsidy falling outside World Trade Organization and Organization for Economic Cooperation and Development rules, panelists said Wednesday in New York. [Read more »](#)

Financial Confidence Hits Record High, CPA Group Says

Americans' financial confidence reached a record high in the quarter immediately following Congress' enactment of the federal tax overhaul, according to a report released Thursday by the American Institute of Certified Public Accountants. [Read more »](#)

IMMIGRATION

Travel Ban Challenge Paused Ahead Of High Court Ruling

A Maryland federal judge on Tuesday granted the Trump administration's bid to pause enforcement of orders in three related cases that temporarily bar the federal government from enforcing a travel ban for nationals from

several predominantly Muslim countries, holding that the U.S. Supreme Court should first clarify the issue in a related case. [Read more »](#)

Trump's Remarks Can Be Used In Philly's Sanctuary City Row

A Pennsylvania federal judge said on Tuesday that certain incendiary remarks from President Donald Trump about immigrants would be factored into his thinking in an upcoming trial challenging the administration's threat to revoke funding from the city of Philadelphia over its refusal to cooperate fully with immigration officials. [Read more »](#)

Cuomo Blasts ICE For 'Reckless' Raids On Immigrant Homes

New York Gov. Andrew Cuomo on Wednesday condemned U.S. Immigration and Customs Enforcement for its warrantless raids, warning that the state will sue the agency if such "reckless and unconstitutional" practices continue. [Read more »](#)

TELECOMMUNICATIONS

New Slate Of FTC Members Ready For Senate Approval

The currently two-member Federal Trade Commission now has a full set of new commissioners in the pipeline, after a Senate committee on Wednesday advanced Democratic final nominee Rebecca Slaughter for a spot on the commission. [Read more »](#)

Network Advocate Joins Net Neutrality Rollback Challengers

Incompas, an advocacy group representing streaming services and other online platforms, has joined the latest round of net neutrality litigation, announcing it filed a D.C. Circuit petition Tuesday that calls for the Federal Communications Commission's recent rule deregulation to be reversed. [Read more »](#)

Cable, Consumer Groups Fight For Next-Gen TV Safeguards

Groups representing cable programmers and consumers are pushing the Federal Communications Commission to rethink some aspects of its newly approved next-generation TV broadcasting standard, saying the agency neglected safeguards to ensure continued viewership and reasonable retransmission rates. [Read more »](#)

FCC Commish Urges Use Of 911 Taxes For Emergencies Only

The Federal Communications Commission's Michael O'Rielly doubled down in a statement released Wednesday on his call for states to stop diverting 911 emergency taxes collected on monthly telephone bills to other purposes, a practice he has called "despicable" and dishonest and deemed a threat to public safety. [Read more »](#)

WHITE COLLAR

Philly Political Consultant Pleads Guilty To Tax Evasion

A political consultant with ties to a convicted Philadelphia district attorney pled guilty Wednesday to one count of tax evasion for failing to file personal income taxes for four years and later trying to conceal some of his income from those years when he finally did file returns, according to a press release. [Read more »](#)

CIVIL RIGHTS

11th Circ. Stays Order To Reform Fla. Felon Voter Restoration

The Eleventh Circuit on Wednesday granted Gov. Rick Scott's request to stay an order requiring him to establish a new, uniform system for restoring voting rights to felons. [Read more »](#)

PEOPLE

McNees Wallace Hires Atty With Gambling Industry Expertise

Pennsylvania firm McNees Wallace & Nurick LLC has hired an of counsel attorney with experience in the gambling industry to join its litigation, public sector, white collar defense and internal investigations practice groups. [Read more »](#)

EXPERT ANALYSIS

Calibrating Structural And Decisional Independence For ALJs

When the solicitor general agreed with Raymond Lucia's argument that the U.S. Securities and Exchange Commission itself must appoint administrative law judges to conform with the appointments clause, the result in Lucia v. SEC seemed foreseeable. But oral arguments this week suggest that the U.S. Supreme Court justices may be more divided than expected, says professor Harold Krent of IIT Chicago-Kent College of Law. [Read more »](#)

What's Next For GHG And Fuel Economy Regulation?

While the U.S. Environmental Protection Agency's recent announcement that it will reconsider Obama-era automobile greenhouse gas emissions standards is generating controversy, it was not unexpected, say Jackie Glassman and Rachel Tennis of King & Spalding LLP. [Read more »](#)

Bankruptcy Venue Reform Not Likely To Happen This Year

Despite a bankruptcy venue reform bill introduced earlier this year, it appears that the prime venue choices for Chapter 11 cases — Delaware and the Southern District of New York — can rest easy, at least for now, says Mark Salzberg of Squire Patton Boggs LLP. [Read more »](#)

Key Employer Takeaways From DOL's New Opinion Letters

The U.S. Department of Labor's Wage and Hour Division recently returned to its practice of laying out its positions on certain issues with opinion letters. While they are intended to serve as guidance based exclusively on specific facts, the general principles in the letters are applicable to all covered employers, say Tammy Daub and Daniel Emam of Paul Hastings LLP. [Read more »](#)

The Carbon Tax Could Come Soon To A State Near You

Despite recent setbacks in state legislatures, this year's carbon tax push has been the most successful in American history and demonstrates that it is a policy which has carved a place in our political landscape, says Ryan Maness, tax counsel at government relations services firm MultiState Associates Inc. [Read more »](#)

Opinion

The Historic Legal Blunder That Enabled Our Gun Epidemic

In a recent op-ed, former U.S. Supreme Court Justice John Paul Stevens called for repealing the Second Amendment to help combat our nation's gun epidemic. Actually, it is the high court's ruling in *District of Columbia v. Heller* that is the problem. And it is only one court case away from being renounced as the historic blunder it is, says Robert W. Ludwig, counsel for the American Enlightenment Project. [Read more »](#)

LEGAL INDUSTRY

Feature

3 Ways To Make Yourself An Attractive Lateral Candidate

BigLaw partners are often exceptionally good at practicing the law and serving clients, but when it comes to selling themselves to potential suitors while contemplating a lateral

move, they're not always so skilled. [Read more »](#)

Analysis

Judges Face Tough Choices In Fighting Political Attacks

A recent push in two states to remove judges over controversial decisions and efforts to limit court authority through legislation in more than a dozen others represent a kind of Catch-22 for courts looking to publicly defend their independence while trying to remain out of the political fray, experts said. [Read more »](#)

Corporate Attys Increasingly Steering Biz Strategy, GCs Say

A corporate law department is expected to be at the forefront of the changes a business needs to make, not acting passively and waiting to be engaged, which historically was the case, a panel of general counsel from three technology companies said on Wednesday. [Read more »](#)

Proposed Calif. Rule To Release Sex Deals Involving Judges

A proposed California court rules change released Tuesday by a group convened by Chief Justice Tani Cantil-Sakauye would mandate public disclosure of settlements resolving sexual harassment or discrimination complaints against judges or other court employees, but it doesn't require agreements to identify the accused judicial officer. [Read more »](#)

Farmers Say Firms Tricked Them Out Of GMO Settlements

A group of North Dakota farmers accused a Texas law firm and co-counsel of tricking 60,000 farmers into signing a 40 percent contingency fee agreement in underlying multidistrict litigation over Syngenta AG's genetically modified corn seed before secretly excluding them from other suits, in a putative

class action filed in Minnesota federal court
Tuesday. [Read more »](#)

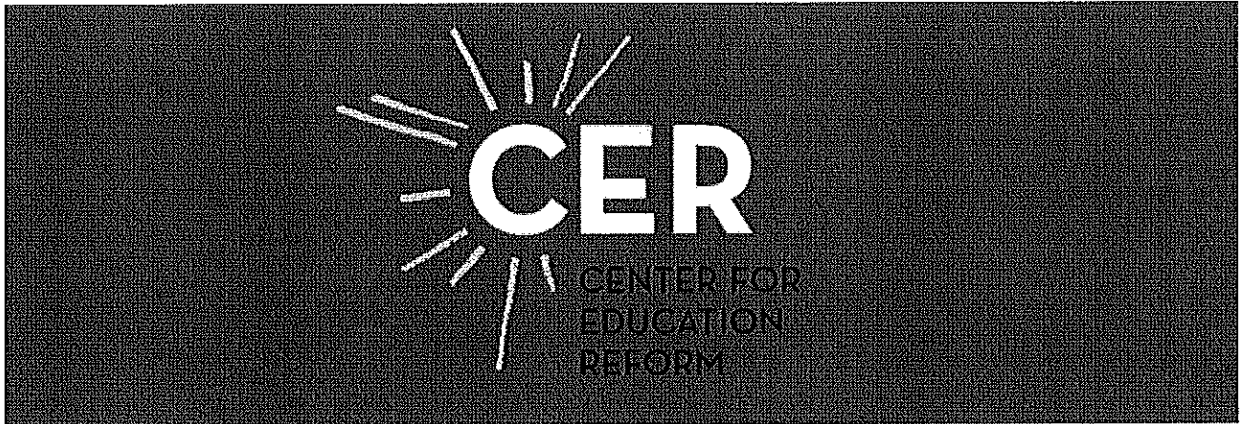
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May 8, 2018

National Charter Schools Week 2018, Day 3:

The UNIONS, and their impact on Teachers

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

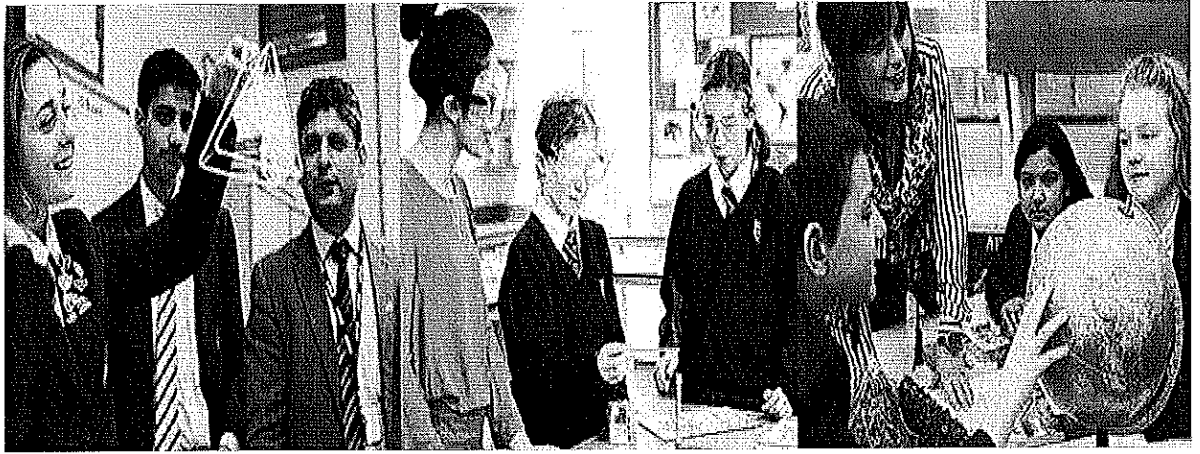
But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it ~~3~~ 0jeopardize[s] student success, undermines public education and harms communities” and thus they must “arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth.”

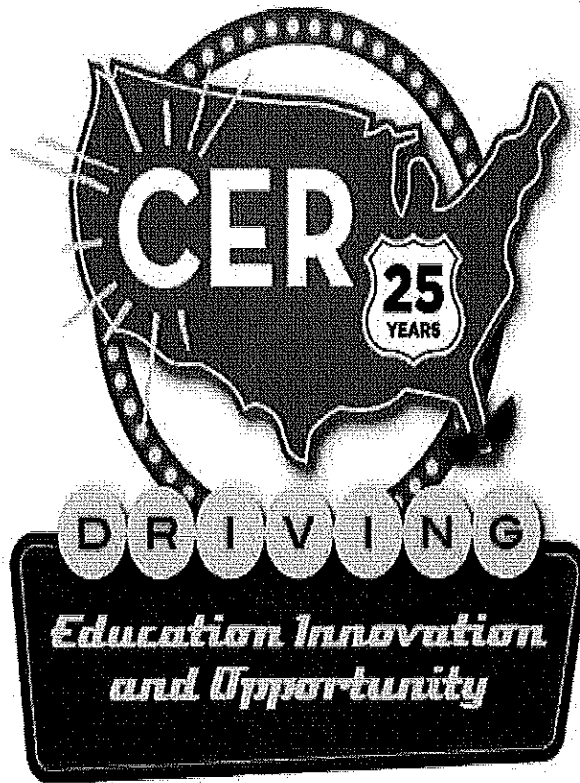
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstringing those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of #CharterSchoolsWeek, that's worth celebrating!



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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Washington, DC 20004

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From: Public Policy Law360

Sent: Friday, May 11, 2018 4:27 AM

To: Rep30

Subject: EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill



PUBLIC
POLICY

LEX MACHINA - 2018 Top Law Firm Report for Select Federal Litigation

Rankings across all of Lex Machina's practice area modules -- patent, antitrust, employment, product liability, securities, and more -- on the firms that have filed and defended the most cases. Request your copy here.

Friday, May 11, 2018

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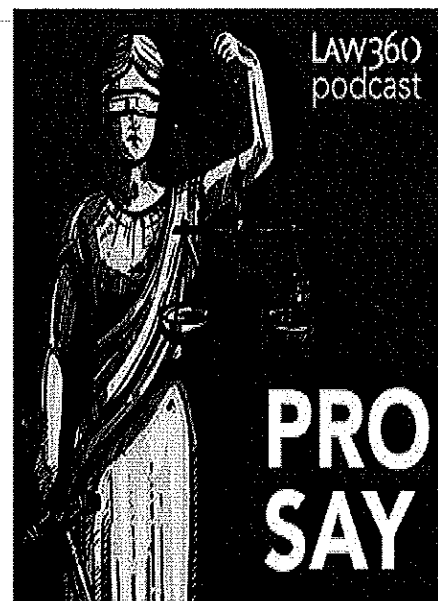
TOP NEWS

EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill

Sen. Kirsten Gillibrand, D-N.Y., is considering introducing sweeping legislation to overhaul the nation's immigration court system by establishing independent tribunals with trial and appellate divisions, according to a draft of the bill obtained exclusively by Law360 on Thursday. [Read more »](#)

Cleary, Skadden, Sidley Vets Among Latest Judicial Picks

President Donald Trump launched another bloc of court nominees Thursday, announcing picks for the Ninth Circuit and district courts in New York, Pennsylvania and Alabama, including a partner from Cleary Gottlieb Steen & Hamilton LLP and veterans of Skadden Arps



[Listen to our new podcast here](#)

LAW FIRMS

Slate Meagher & Flom, Simpson Thacher & Bartlett and Sidley Austin LLP. [Read more »](#)

Gass Weber Partner Overcomes Dems For 7th Circ. Seat

The Senate confirmed Gass Weber Mullins LLC partner Michael Brennan to a post on the Seventh Circuit on Thursday, despite Democrats' complaints that the appointment violated traditional U.S. Senate deference to home-state senators. [Read more »](#)

Starn O'Toole Vet Makes Headway Toward 9th Circ. Bench

President Donald Trump's choice for a Ninth Circuit vacancy sailed through the Senate Judiciary Committee with bipartisan support Thursday, putting one of the president's picks for the high-profile court on the Senate floor for the first time. [Read more »](#)

Feature

Trump To Unveil 4-Point Plan For Curbing Drug Prices

President Donald Trump on Friday will target drug prices with a four-point plan intended to boost the negotiating power of private Medicare plans, reduce list prices, ease out-of-pocket costs and tackle "freeloading" by countries that more aggressively limit prices, according to senior administration officials. [Read more »](#)

Analysis

New Tax Law's Impact On M&A Coming Into Focus

The new federal tax law was expected to change how deals get structured, and four months after its enactment, it is becoming clear how the legislation is having an impact on negotiations and tax planning strategies. [Read more »](#)

Giuliani Resigns From Greenberg Traurig Amid Trump Work

Addleshaw Goddard

Arnold & Porter

Bailey Cavalieri

Baker McKenzie

Bancroft PLLC

Barnes & Thornburg

Bienert Miller

Birch Horton

Blank Rome

Bracewell

Bricker & Eckler

Bryan Cave

Butler Snow LLP

Carter Ledyard

Cary Kane

Cleary Gottlieb

Cotsirilos Tighe

Covington & Burling

DLA Piper

Dechert

Dentons

Dickstein Shapiro

Dilworth Paxson

Dinsmore & Shohl

Earthjustice

Foley & Lardner

Fredrikson & Byron

Gass Weber

Gibson Dunn

Greenberg Traurig

Herbert Smith Freehills

Hodgson Russ

Hogan Lovells

Holland & Knight

Jones Day

Kaeske Law Firm

Kessler Topaz

Kirkland & Ellis

Former federal prosecutor and New York City mayor Rudy Giuliani has resigned from Greenberg Traurig LLP just weeks after he joined President Donald Trump's legal team, the law firm confirmed on Thursday. Read more »

BANKING & SECURITIES

Crypto-Mining Poses Tax Headache For IRS, Panelist Says

The proliferation of cryptocurrency mining represents a tax administration hurdle for the Internal Revenue Service, an attorney with the agency told a conference audience Thursday in Washington, D.C. Read more »

SEC Opens 'Best Interest' Broker Proposal To Public Comment

The U.S. Securities and Exchange Commission on Wednesday opened the public comment period on its proposal to hold brokers to a higher standard of care if they are giving advice to retail investors. Read more »

ENERGY & ENVIRONMENTAL

Analysis

State-Federal Rift Pushes Power Markets To Breaking Point

Backlash against regional grid operator PJM Interconnection LLC's recent proposal to blunt the impact of state subsidies for clean energy in so-called capacity markets where power producers are paid to meet future demand highlights growing tensions between state and federal electricity policies that have experts questioning whether these markets have a viable future. Read more »

Trump Policies And More Leave Oil Prices A Hazy Unknown

The fate of oil prices over the next year is hazy and fraught with potential volatility thanks to a cocktail of factors ranging from Trump administration policies, including the decision

Lane Powell
Law Office of Louise A. Herman
Linklaters
Mayer Brown
McDermott Will
Miller & Chevalier
Miller Mayer
Mishcon de Reya
Morgan Lewis
Morrison & Foerster
Norton Rose Fulbright
Oblon
Ogletree Deakins
Perkins Coie
Prickett Jones
Proskauer Rose
Quinn Emanuel
Sanford Heisler
Sedgwick LLP
Shipman & Goodwin
Sidley Austin

Simpson Thacher
Skadden
Starn O'Toole
Steptoe & Johnson LLP
Wallace & Graham
Wilkinson Barker

COMPANIES

Amazon.com Inc.
American Bar Association
American Immigration Council
American Immigration Lawyers Association
American Legislative Exchange Council
American Trucking Associations Inc.
Apple Inc.

to pull out of the Iran nuclear deal, to decreased production out of Venezuela and constraints on the Permian Basin, experts told oil and gas industry professionals gathered in Houston on Thursday. [Read more »](#)

EPA Floats Overhaul Of National Ozone Limits Review

The U.S. Environmental Protection Agency on Thursday said it will overhaul how it reviews national ozone limits by considering a range of adverse effects including economic and energy-related ones, following President Donald Trump's demand that the agency make it easier for states and industries to comply with national air emissions standards. [Read more »](#)

Enviros' CRA Challenge Over Nixed Hunting Rule Gets Tossed

A federal judge on Wednesday threw out a lawsuit brought by an environmental group to challenge the constitutionality of the Congressional Review Act after it was used under the Trump administration to roll back a U.S. Fish and Wildlife Service rule prohibiting certain hunting and trapping practices on protected federal lands in Alaska. [Read more »](#)

Feds Say Youth Climate Suit Defies Separation Of Powers

The federal government urged an Oregon federal judge Wednesday to toss a suit accusing federal agencies and the president of failing to protect future generations from the effects of climate change, arguing the relief sought in the case would violate the Constitution's separation of powers. [Read more »](#)

REAL ESTATE

Judge Stops Clock As Ohio Fights To Retain Soccer Team

An Ohio judge has stopped the clock on the statutory period during which the Columbus

Boehringer Ingelheim
Boston Scientific Corporation
Center for Biological Diversity Inc.
Center for Strategic and International Studies
Commerce and Industry Association of New Jersey
Electric Reliability Council of Texas Inc.
Enbridge
Expedia Inc.
Facebook
Federal Bar Association
Federation for American Immigration Reform
Financial Industry Regulatory Authority Inc.
Finjan Holdings Inc.
Fitbit Inc.
Flipkart Internet Pvt. Ltd.
Fortress Investment Group LLC
Hobby Lobby Stores
ISO New England Inc.
Immigration Reform Law Institute
Intellicheck Mobilisa Inc.
International Brotherhood of Teamsters
MAPFRE SA
MGM Grand Hotel LLC
MGM Resorts International
Major League Soccer LLC
McAfee, Inc.
Melaleuca Inc.
Microsoft Corporation
Mohegan Sun
NFL Enterprises LLC
National Rifle Association of America
National Right to Work Legal Defense Foundation

Crew soccer team must field offers from potential buyers before it moves to Texas, in a case with implications on states' influence over sports teams that have received public assistance. [Read more »](#)

EMPLOYMENT

NLRB Members Signal Plans To Review Blocking-Charge Rule

Two Republican members of the National Labor Relations Board signaled Wednesday that the agency may soon revisit its decades-old policy of pausing union elections when a party alleges that workers' freedom to choose whether they want to be represented by a union has been infringed. [Read more »](#)

NJ Lawmakers Advance Bill Limiting Noncompete Agreements

A New Jersey Assembly panel on Thursday advanced legislation to limit the scope of noncompete agreements amid concerns that the measure would jeopardize companies' efforts to protect their confidential information and drive away businesses from the state. [Read more »](#)

CYBERSECURITY & PRIVACY

As GDPR Looms, UK Biz Get Guidance On Consent Rules

The U.K.'s privacy regulator has issued its final guidance to businesses that will need to gain consent to process personal data under the European Union's General Data Protection Regulation, a sweeping new data regime that comes into force in just two weeks. [Read more »](#)

CONSUMER PROTECTION

Law Firm Cites Mulvaney In 9th Circ. Challenge To CFPB

A California law firm that's asking the Ninth Circuit to free it from a Consumer Financial

Nevro Corp.
PJM Interconnection LLC
Pacific Legal Foundation
Professional Insurance Agents
QUALCOMM Incorporated
SK Hynix Inc.
Savills Studley Inc.
Schlumberger Limited
Shire PLC
Southwest Power Pool Inc.
State Bar of California
Takeda Pharmaceutical Co. Ltd.
Talen Energy Corp.
TripAdvisor Inc.
United Mine Workers of America
Viking Global Investors
Wal-Mart Stores Inc.
Wells Fargo & Co.
Zillow Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Central Intelligence Agency
Connecticut General Assembly
Consumer Financial Protection Bureau
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service

Protection Bureau civil investigative demand pressed its challenge to the constitutionality of the agency's structure on Wednesday, citing recent criticism from CFPB acting Director Mick Mulvaney that the agency he leads "is far too powerful." [Read more »](#)

GOVERNMENT CONTRACTS

Attys Who Sued Hastert In FCA Row Spared Sanctions

Attorneys representing a would-be whistleblower in a False Claims Act suit against former U.S. House Speaker Dennis Hastert will not be sanctioned for filing the suit after settling the dispute with Hastert, an Illinois federal judge ruled Wednesday. [Read more »](#)

AEROSPACE & DEFENSE

Analysis

Iran Deal Exit To Cast Shadow Over Future Negotiations

President Donald Trump's decision to withdraw from the 2015 Iran nuclear deal has cast the U.S. as an unreliable ally and negotiator in the eyes of both allies and adversaries, and the effects on future international deals will be hard to shake, attorneys say. [Read more »](#)

Trump's Military Parade Stays In \$717B House Defense Bill

The House Armed Services Committee wrapped up consideration of its \$717 billion version of the 2019 National Defense Authorization Act early Thursday, with the final bill continuing to support President Donald Trump's proposed military parade, among several contentious clauses. [Read more »](#)

INTERNATIONAL TRADE

Commerce Chief Ross Upbeat On China Trade Talks

Commerce Secretary Wilbur Ross said Thursday that he was optimistic about the

Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Leech Lake Band of Ojibwe
Mashantucket Pequot Tribal Nation
Mohegan Tribe
NAFTA
National Labor Relations Board
Port Authority of New York & New Jersey
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Air Force
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United States Court of Appeals for the Third Circuit
World Trade Organization

Trump administration's ongoing trade discussions with China on everything from industrial policy to intellectual property rules, saying that last week's trip to Beijing laid a solid foundation for future talks. [Read more »](#)

State Lawmakers Rally For NAFTA Investment Protection

As officials negotiating the North American Free Trade Agreement continued to huddle in Washington, D.C., Thursday to strike a final deal, a slew of state legislators pressed them to secure the agreement's controversial arbitration system for foreign investors. [Read more »](#)

BANKRUPTCY

GAO Proposes Tightening Debt To Address Puerto Rico Crisis

The Government Accountability Office has suggested increased federal regulation of Puerto Rico's issuing of debt will help it recover from its debt crisis, with the territory countering that the federal office overlooked the structural inequality underlying its financial condition. [Read more »](#)

IMMIGRATION

Analysis

3 Immigration Rules To Watch In Trump's Spring Agenda

The Trump administration published its spring regulatory agenda on Wednesday, highlighting proposed policies that would implement key structural changes at the office that oversees immigration courts, increase investment requirements for EB-5 visas and revoke a visa program for entrepreneurs. Here, immigration attorneys examine the key provisions to watch in the coming months. [Read more »](#)

Open Immigration Cases Increase, DOJ Unit's Report Says

The number of pending immigration cases increased by 7 percent during the first six months of the current fiscal year, while the median completion time for cases involving detainees continued to tick down, according to new statistics from the federal Executive Office for Immigration Review. [Read more »](#)

Immigration Group Sues 2nd Ind. City Over Welcoming Policy

The legal arm of an organization that calls for lower immigration levels on Wednesday filed its second lawsuit challenging the legality of ordinances in Indiana communities that call for the towns to be welcoming to immigrants and for authorities to not cooperate with federal immigration-related requests unaccompanied by court orders. [Read more »](#)

NATIVE AMERICAN

Enbridge, Tribe Slam ALJ Report Rejecting New Pipeline Route

The company behind a pipeline replacement project on Wednesday opposed an administrative law judge's recommendation that the company's new pipeline should be constructed only on the route of the one already there, a sentiment echoed by a Native American band. [Read more »](#)

Conn. Tribal Casino Plan Gets Boost As Rival Bill Falls Short

The Connecticut General Assembly ended its legislative session late Wednesday without voting on a bill that could have paved the way for a proposed MGM Resorts casino in Bridgeport, a project that would have posed a major obstacle to the Mohegan and Mashantucket Pequot's own plans to open a new casino in the state. [Read more »](#)

TELECOMMUNICATIONS

FCC Refuses To Reduce \$120M Robocalling Fine

The Federal Communications Commission on Thursday cemented a \$120 million spoofing fine against a Miami man, voting to ink the previously proposed penalty after finding that Adrian Abramovich's robocalling activity and former Telephone Consumer Protection Act violations were enough to merit the full amount. [Read more »](#)

Net Neutrality Sunset Date Set For June

The Obama-era net neutrality rules that controlled how internet service providers treated online traffic and classified internet services as utilities will officially be wiped from the books on June 11, the Federal Communications Commission said Thursday morning. [Read more »](#)

GWB Figures Say Salary Expenses Can't Sustain Convictions

Two former associates of ex-New Jersey Gov. Chris Christie told the Third Circuit on Wednesday that prosecutors have not proven they misused government resources worth at least \$5,000 in causing politically motivated gridlock at the George Washington Bridge, marking the threshold needed to sustain some of their convictions in the scandal. [Read more »](#)

PEOPLE

Dechert Adds Ex-White House Atty To Litigation Team

Dechert LLP has strengthened its global litigation practice with the addition of a former White House attorney who successfully steered Neil Gorsuch to his confirmation as a U.S. Supreme Court justice last year and helped the NFL spike Tom Brady's challenge to his suspension over the "Deflategate" scandal. [Read more »](#)

EXPERT ANALYSIS

Congressional Forecast: May

Congress returned to Washington, D.C., this week for a three-week work period before the Memorial Day recess. The Republican majority is aiming to meet deadlines on several priority items, including fiscal year 2019 appropriations bills and renewed program authorizations for agriculture, defense and the Federal Aviation Administration, say Layth Elhassani and Kaitlyn McClure of Covington & Burling LLP. [Read more »](#)

Growing Caregiver Benefits In The US Workplace And Beyond

As Mother's Day approaches and more initiatives in the U.S. and around the world are aimed at increasing opportunities at work for working mothers (and caregivers more generally), attorneys with Baker McKenzie discuss recent benefits made available to these employees and review updates multinational employers need to know. [Read more »](#)

The District Court Split On Pleading Indirect Infringement

District courts have diverged over the years as to what the proper standards should be for pleading indirect patent infringement. The Federal Circuit or Congress should resolve this inconsistency, says Joseph Saltiel of Dinsmore & Shohl LLP. [Read more »](#)

8 Reasons To Take A Fresh Look At Your Law Office Lease

After moving into a new law office, tenants often file their signed leases away, figuring that the terms are set for a few years at least. However, leases can be very flexible instruments, and should be reviewed annually even if nothing seems amiss, says Tiffany Winne of Savills Studley Inc. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Sanford Heisler's David Sanford

David Sanford of Sanford Heisler Sharp LLP enhanced his already prodigious reputation as a top-tier plaintiffs' side attorney over the past year by working to resolve high-profile gender discrimination suits against Chadbourne & Parke LLP and Sedgwick LLP, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Review

'RBG' An Intriguing Look At The Most Meme-Worthy Justice

The new documentary "RBG" paints an entertaining portrait of U.S. Supreme Court Justice Ruth Bader Ginsburg and her contributions to American law and society, even as the film suggests that some of her most important work happened decades before she joined the high court. [Read more »](#)

Quinn Emanuel Ousts UK Atty After Misconduct Allegations

Quinn Emanuel Urquhart & Sullivan LLP dismissed a London partner without pay on Tuesday following an investigation into allegations of improper behavior brought by two staffers, the firm said in a statement. [Read more »](#)

Calif. High Court Approves Rules Revamp For Atty Conduct

For the first time since 1987, the California Supreme Court on Thursday approved major revisions to the rules of professional conduct for in-state attorneys, adding new guidelines that address advertising, conflicts of interest, sexual relations with clients, and a host of other concerns. [Read more »](#)

For-Profit Law School Sues ABA Over Enforcement Action

Florida Coastal School of Law filed suit Thursday against the American Bar Association, which recently determined the

school had failed to meet ABA standards, saying the association's enforcement actions have been inconsistent, its standards are vague and that the action against Florida Coastal was an "attack on diversity." [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Linklaters snagged the title of top legal lion this week, guiding Takeda in its \$62.1 billion acquisition of rare disease-focused drugmaker Shire, while Arnold & Porter ended up on the legal lambs list after a federal judge sanctioned the law firm for filing frivolous motions on behalf of Boston Scientific in a patent infringement suit. [Read more »](#)

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From: Public Policy Law360
Sent: Monday, May 14, 2018 4:58 AM
To: Rep30
Subject: 'High-Performance' Building Becoming Easier, Less Costly



Monday, May 14, 2018



TOP NEWS

Feature

'High-Performance' Building Becoming Easier, Less Costly

With businesses and governments looking for ways to save money on operating costs in buildings and garner some positive press at the same time, "high-performance" structures that use the latest technology to conserve energy and water have overcome an early reputation for costliness and are becoming a more popular choice. [Read more »](#)

Analysis

5 Common Myths About EU's New Data Protection Regime

The sweeping General Data Protection Regulation set to take effect in the European Union in just two weeks promises to revolutionize how companies around the globe handle personal data while imposing stiff penalties on those that don't comply. But attorneys say that although companies have had two years to get up to speed, several troubling myths still persist. [Read more »](#)

Feature

Wayfair's Counsel On Keeping State Tax Law Constitutional

Even for Wayfair counsel George Isaacson, who has decades of experience representing



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Akin Gump
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Anthony Kennedy PC
Arnold & Porter
Baker Botts
Baker McKenzie
Bernabei & Kabat

retailers, the South Dakota statute used to challenge the physical presence standard for sales and use tax collection was something new. In this interview, the Brann & Isaacson senior partner describes how the law is unique — and not necessarily in a good way. [Read more »](#)

Analysis

Trump Vows Cheaper Drugs 'Very Soon,' But That's Unlikely

President Donald Trump on Friday uncorked numerous proposals to ease drug prices and promised that consumers will benefit “very soon,” but the proposals are so vague and preliminary that major short-term relief is unlikely, experts say. [Read more »](#)

Analysis

FinCEN Due Diligence Rule Should Be On Crypto Cos.' Radar

The Financial Crimes Enforcement Network's customer due diligence rule went into effect Friday for banks and certain other financial institutions, and cryptocurrency companies that may not be covered by the rule now would be wise to pay attention to it, legal experts say. [Read more »](#)

BANKING & SECURITIES

Blockchain Startup Prometheus Files \$50M ICO Under Reg A+

Blockchain technology startup Prometheus Inc. on Friday filed amended plans to raise up to \$50 million through an initial coin offering, using the so-called Reg A+ exemption in hopes of satisfying securities regulators who are increasingly scrutinizing the novel capital-raising deals often dubbed ICOs. [Read more »](#)

Analysis

SEC Faces Calls To Push Back Harder On Audit Trail Delays

Eight years have passed since the May 6, 2010, flash crash and calls are growing for the U.S. Securities and Exchange Commission to

Blank Rome
Brann & Isaacson
Brewer, Attorneys & Counselors
Buchalter PC
Buckley Sandler
Carlton Fields
Carter Ledyard
Cleary Gottlieb
Cooley
Cooper & Kirk
Cotchett Pitre
Covington & Burling
Cozen O'Connor
Crowell & Moring
Davis Wright Tremaine
Debevoise & Plimpton
Duane Morris
Fisher Phillips
Foley & Lardner
Garland Samuel
Gibson Dunn
Greenberg Traurig
Groom Law Group
Grower Ketcham
Gusrae Kaplan
Harris Wiltshire
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Husch Blackwell
Jenner & Block
Jones Day
Katten Muchin
Kaufman Seamer
Kelley Drye
Kilpatrick Townsend
Kirkland & Ellis
Kostelanetz & Fink

forcefully address delays to a powerful, long-awaited market surveillance tool called the consolidated audit trail designed to prevent a repeat. [Read more »](#)

NRA Sues Cuomo, NY Regulator For 'Discrimination Campaign'

The National Rifle Association sued New York Gov. Andrew Cuomo and the state's top financial regulator on Friday, seeking millions of dollars in damages for what it alleges has been an "overt viewpoint-based discrimination campaign" that is scaring off the gun rights organization's business partners and threatening its First Amendment rights. [Read more »](#)

Scottrade Rips Mass. Official's Bid To Remand Fiduciary Row

Attorneys for Scottrade Inc. blasted Massachusetts' top securities official Friday in opposing a bid to litigate an enforcement action at the state level, accusing him of carrying out a personal vendetta of sorts to enforce the U.S. Department of Labor's upended fiduciary rule for retirement account advisers. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Low-Profile EPA Air Quality Shift Could Mean Big Changes

The U.S. Environmental Protection Agency recently revealed a significant change in how it assesses air pollution from closely linked facilities in an unpublicized letter to Pennsylvania environmental regulators, and experts say it will result in an easier permitting process for some projects. [Read more »](#)

Enviros Push To Kill Waiver For New Mexico Border Wall

Environmental groups asked a D.C. district judge on Thursday to kill the waiver for environmental and other oversight laws

Latham & Watkins
Lief Cabraser
Locke Lord
McDermott Will
McKool Smith
Morgan Lewis
Morrison & Foerster
Murphy & McGonigle
Norton Rose Fulbright
O'Melveny & Myers
O'Neill & Borges
Paul Hastings
Pietrantonio Mendez
Polsinelli
Proskauer Rose
Reed Smith
Ropes & Gray
Saul Ewing
Schiff Hardin
Sheehan Phinney
Sidley Austin
Simpson Thacher
Skadden
Stevens & Lee
Stoel Rives
Stradley Ronon
Thompson Hine
Tompkins McGuire
Venable LLP
Ware Immigration
Weitz & Luxenberg
Winston & Strawn

COMPANIES

Adventist Health System Inc.
Advocate Health Care Inc.
Air Line Pilots Association
International
America's Health Insurance Plans

granted by the U.S. Department of Homeland Security for the quick construction of an approximately 20-mile stretch of border wall, alleging Congress never gave it such wide power. [Read more »](#)

REAL ESTATE

Transcript Mishap Sinks Challenge To 91-Home Project In NJ

A New Jersey state appellate panel has refused to disturb a trial court ruling tossing a lawsuit over the municipal approval of a 91-home development in Bayonne because the project's opponents never ordered transcripts of the proceedings before the city's planning board after telling the court they had done so. [Read more »](#)

EMPLOYMENT

9th Circ. Revives Chamber's Suit Over Seattle Uber Union Law

The Ninth Circuit on Friday breathed new life into the U.S. Chamber of Commerce's challenge to a Seattle law letting app-based drivers bargain collectively, partially reversing a trial court's decision that dismissed the suit and holding that the city ordinance isn't exempt from federal antitrust law. [Read more »](#)

US Enters ERISA Suit To Defend 'Church Plan' Exemption

The federal government intervened Friday in a proposed class action in Florida accusing Adventist Health System of underfunding employee pension plans in violation of the Employee Retirement Income Security Act, but only for the limited purpose of defending the constitutionality of the law's "church plan" exemption. [Read more »](#)

COMPETITION

DC Circ. Grounds Union Hopes To Halt Norwegian Air Permit

American Bar Association
American Conference Institute
Avalere Health LLC
Avenue Capital Group
Bloomingdale's Inc.
Boston Scientific Corporation
Brigade Capital Management LLC
CBOE Holdings Inc.
Catholic Health Initiatives
Center for Biological Diversity Inc.
Citigroup Inc.
Cray Inc
Dynamex, Inc.
Express Scripts Inc.
Facebook
Financial Industry Regulatory Authority Inc.
Ford Motor Company
General Motors
Goldman Sachs Group Inc.
Google Inc.

Iconix Brand Group, Inc.
Immigrant Defense Project
Johnson & Johnson
KPMG International
L.L. Bean Inc.
Lyft Inc.
Mattress Firm Holding Corp.
NASDAQ OMX Group Inc.
NFL Enterprises LLC
National Employment Law Project
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Women's Law Center
Nevro Corp.
New York City Bar Association

The DC Circuit has dampened the hopes of a group of airline unions, ruling Friday that the U.S. Department of Transportation had no reason to deny a foreign air carrier permit to a Norwegian Air subsidiary. [Read more »](#)

GOVERNMENT CONTRACTS

OptumRx Loses \$6B NJ Contract For Flouting Financial Terms

A New Jersey state appeals court clarified in a published decision Friday that government contract bids attempting to adjust financial terms in requests for proposals must be invalidated, upending a \$6 billion contract award to OptumRx Inc. to manage the health benefits of certain state employees. [Read more »](#)

INTERNATIONAL TRADE

Congress Again Angles For A Check On Trump's Trade Power

A bipartisan quartet of lawmakers unveiled new legislation on Thursday that would create a process for Congress to block new trade moves from the White House in an attempt to reclaim some of the trade power that the legislature has delegated to the executive branch. [Read more »](#)

TAX

IRS To Clarify Rules On Bonus Depreciation As Early As June

Regulations to clarify eligibility for full bonus depreciation of property could be issued as early as June, according to an Internal Revenue Service official speaking Friday at an American Bar Association tax conference. [Read more »](#)

Marinello Hasn't Put Brakes On Similar DOJ Pending Cases

The federal government is continuing to prosecute cases under a section of the tax

Northern Mariana Islands Retirement Fund
Northrop Grumman Corporation
OptumHealth Inc.
Promontory Financial Group LLC
QUALCOMM Incorporated
Quill Corp.
Rite Aid Corporation
SAS Institute
Savills Studley Inc.
Scottrade Inc.
Solus Alternative Asset Management LP
Southwest Airlines Co.
TD Ameritrade Holding Corporation
Tax Foundation
TechFreedom
Toyota Motor Corporation
U.S. Chamber of Commerce
Volkswagen
Washington Post Co.
Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
Crow Creek Sioux Tribe
Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity Commission
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Bureau of Prisons
Federal Communications Commission

code despite a recent U.S. Supreme Court opinion knocking down its broad interpretation of the relevant clause, an official said Saturday. [Read more »](#)

TCJA Provokes Questions About How To Define Entertainment

The U.S. tax overhaul scrapped employer deductions for the cost of business-related entertainment but kept a partial deduction for meals, prompting practitioners at a tax conference hosted Saturday by the American Bar Association in Washington to ponder when, exactly, a meal might become entertainment. [Read more »](#)

Treasury Mulling Intermediate Sales Quandary On TCJA

The U.S. Treasury Department is looking into whether incentives for exports in the recent federal tax overhaul apply to transactions that are required to go through an intermediary, such as arms sales to foreign buyers, an official said at a conference Friday. [Read more »](#)

IRS To Start Enforcing Crypto Withholding Rule, Panelist Says

The Internal Revenue Service will begin this year to more strictly enforce the requirement to withhold taxes for cryptocurrency payments to nonresident aliens, an attorney who has represented clients in related matters said at a Saturday tax conference in Washington, D.C. [Read more »](#)

Wayfair Halted Online Tax Work, House Panel Counsel Says

Congressional negotiators were working on a compromise solution for regulating online taxation when the U.S. Supreme Court agreed to review *South Dakota v. Wayfair*, which brought talks to a halt, the chief counsel to the House Judiciary chair said Friday. [Read more »](#)

Federal Energy Regulatory Commission
Financial Crimes Enforcement Network
Food and Drug Administration
Illinois Supreme Court
Internal Revenue Service
Minnesota Legislature
NAFTA
National Telecommunications and Information Administration
New York Attorney General's Office
New York State Assembly
New York State Department of Financial Services
Ohio Supreme Court
Pennsylvania Department of Revenue
Port Authority of New York & New Jersey
Securities and Exchange Commission
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania

'Hack Your State Department' Bill Clears House Panel

The House Foreign Affairs Committee has approved a bipartisan bill that aims to strengthen cybersecurity efforts at the U.S. State Department by getting hackers to point out vulnerabilities in the department's public networks and data systems. [Read more »](#)

ABA Seeks Clarity On New Exec Comp, Fringe Benefit Taxes

Multiple American Bar Association committees are collecting public comments on the tax treatment of fringe benefits and compensation at nonprofits from the federal tax overhaul, a tax lawyer said Friday at an American Bar Association tax conference in Washington, D.C. [Read more »](#)

Bloomington's Taxes Wrong Bags Under City Law, Suit Says

A purported class of Bloomington's customers slapped the company with a lawsuit in Illinois state court Thursday over claims its Chicago stores are charging an illegal sales tax on its garment bags under a local ordinance they say applies only to paper and plastic checkout bags. [Read more »](#)

Awaiting IRS Insight On Taxing Exec Pay, Cos. Craft New Plans

The U.S. tax overhaul's removal of performance-based pay as an exception to deduction limits on executive compensation is prompting some public companies to create new pay plans to ensure such incentives remain available, practitioners said at an American Bar Association conference Friday. [Read more »](#)

BANKRUPTCY

Restructuring Of Puerto Rico's Investment Bank Approved

Puerto Rico's federally appointed oversight board has officially signed off on a plan to

restructure the \$4.1 billion in debt held by the island's Government Development Bank, in a move government officials called an "important step" toward working out its total \$74 billion debt load. [Read more »](#)

IMMIGRATION

Feature

What You Need To Know As 9th Circ. Hears DACA Challenge

The Ninth Circuit will hear oral arguments Tuesday in a challenge to the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program while members of Congress push to bring legislative replacements for the program to the floor for a vote. Here is what you need to know. [Read more »](#)

DOJ, USCIS Team Up In Foreign Worker Visa Crackdown

The Department of Justice and U.S. Citizenship and Immigration Services will team up to investigate fraud and abuse by employers who hire immigrants on foreign worker visas, according to a joint agreement between the agencies that went into effect Friday. [Read more »](#)

Calif. Moves To Bar Court Disclosure Of Immigration Status

The California State Legislature passed a measure Thursday to protect individuals testifying in court from having to unnecessarily disclose their immigration status, in an effort to encourage undocumented immigrants who are witnesses to or victims of crimes to come forward without fear of arrest or deportation. [Read more »](#)

TELECOMMUNICATIONS

FCC Plan To Divvy Car Safety Band Tempers Toyota's Dream

FCC commissioners may force Toyota to rework its plan to introduce vehicles able to wirelessly communicate with other vehicles and transportation infrastructure by 2021, telling the automaker that the agency is still considering letting other applications share a frequency previously reserved for auto safety. [Read more »](#)

Tribes Pushes Back At DC Circ. Against FCC Lifeline Changes

A Native American tribe has urged the D.C. Circuit to toss a Federal Communications Commission decision the tribe says limits which telecommunication providers can be subsidized for providing Lifeline services on tribal land. [Read more »](#)

WHITE COLLAR

Ex-NY Assembly Speaker Convicted After 2nd Graft Trial

Former New York State Assembly Speaker Sheldon Silver was convicted Friday for the second time for reaping what prosecutors say was a quid pro quo in which Silver accepted millions of dollars in illicit referral fees from developers and an asbestos disease doctor and took official action on their behalf. [Read more »](#)

GWB Scandal Figure Loses Bid For Ireland Trip Amid Appeal

A New Jersey federal court has rejected a former Port Authority executive's bid to travel to Ireland on Monday while he appeals his conviction for reducing local access lanes to the George Washington Bridge in a political revenge scheme. [Read more »](#)

EXPERT ANALYSIS

Inside The New DOJ Policy On Coordinated Enforcement

A recent policy announcement by Deputy Attorney General Rod Rosenstein appears to

be an express acknowledgement by the U.S. Department of Justice of the need to mitigate the disproportionate and harmful consequences that can result when multiple enforcement authorities seek to investigate and punish the same conduct, say attorneys with Winston & Strawn LLP. [Read more »](#)

5th Pillar Of AML Compliance Is Here, But Questions Remain

The Financial Crimes Enforcement Network's long-awaited customer due diligence rule — the so-called "fifth pillar" of anti-money laundering programs — is now effective, but the broad reach of the rule and some lingering interpretive issues have made it difficult for firms to operationalize the rule's requirements, say members of Promontory Financial Group LLC. [Read more »](#)

Is The Attempt To Rescind DACA Lawful?

A D.C. federal court recently invalidated the Trump administration's effort to end the Deferred Action for Childhood Arrivals program, highlighting two important issues about the limits of judicial review over such policy changes, says Steven Gordon of Holland & Knight LLP. [Read more »](#)

How The House FAA Bill Champions Air Travelers' Rights

The U.S. House passed its version of the six-year budget reauthorization for the Federal Aviation Administration last month. In a surprising change from Congress' usual tilt toward the interests of the aviation industry, the bill features a number of provisions that address many of the long-smoldering — and vociferously expressed — concerns of the flying public, says Barbara Lichman of Buchalter PC. [Read more »](#)

FERC Aims For Market Transparency With Uplift Reports

Last month, the Federal Energy Regulatory Commission issued a final rule requiring

regional transmission organizations and independent system operators to publicly report information regarding uplift payments. Attorneys at Reed Smith LLP unpack the revised reporting obligations. [Read more »](#)

Gender Pay Data: Impact Of European Laws In The US

Although American and European equal pay laws often develop on parallel tracks, the U.S has not kept pace with the EU in terms of pay transparency. However, new European laws may have the unintended consequence of pushing multinationals with U.S. employees to publish pay data to keep up with their European counterparts, say Lynne Bernabei and Kristen Sinisi of Bernabei & Kabat PLLC. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Lieff Cabraser's Elizabeth Cabraser

As sole lead counsel in multidistrict litigation over Volkswagen AG's emissions scandal, Lieff Cabraser Heimann & Bernstein LLP's Elizabeth Cabraser helped drivers secure settlements totaling more than \$15 billion and assurances that the polluting vehicles would be taken off the roads, earning her a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

3 Ways Firms Can Improve Summer Associate Programs

As millennials continue to enter the legal profession with different values, career goals and cultural expectations than their predecessors, firms have an urgent opportunity to retool their summer associate programs to make a more compelling first impression. [Read more »](#)

How They Won It

Ex-BigLaw Atty Who Shot Wife Couldn't Escape Paper Trail

Fulton County, Georgia, prosecutors trying to prove that a former Fisher Phillips LLP partner's shooting of his wife was no accident flooded the jury with painstaking detail from both eyewitnesses and the wealthy couple's paper trail to establish that he had a financial motive to kill his wife, securing a murder conviction. [Read more »](#)

ABA Data Shows 15% Rise In Attorneys Over Last Decade

The American Bar Association on Friday released survey data on the nationwide population of lawyers indicating a 10-year trend of moderate year-to-year increases since 2008 that amount to a 15.2 percent increase over the last decade. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

Questions remain around who will permanently replace Eric Schneiderman as New York attorney general after he resigned in the wake of a news article detailing allegations of physical abuse by four women; new data show female in-house counsel earn 84 percent of what their male counterparts make on average, and Fox News hired a new general counsel amid a series of lawsuits alleging the network mistreated women and minority workers. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Podcast

Law360's Pro Say: Don't Lie About Paying Expert Witnesses

On the latest episode of Law360's Pro Say podcast, we discuss the ethical boundaries of handling expert witnesses; New York Attorney General Eric Schneiderman stepping down after abuse allegations; Jay-Z being ordered to give testimony to the Securities and Exchange Commission; and Dr. Dre attempting to block a

medical doctor from registering a trademark for his similar-sounding name. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more ½ B](#)

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From: The Aerospace States Association Briefing
Sent: Monday, May 14, 2018 7:57 AM
To: Rep30
Subject: May 14: Judges Uphold DOT Approval For Norwegian Air To Operate In US

If you are unable to see the message or images below, [click here to view](#)



The Aerospace States Association BRIEFING

in affiliation with



Good morning Bill Seitz

May 14, 2018

POLICY NEWS - FEDERAL

ADVERTISEMENT

Judges Uphold DOT Approval For Norwegian Air To Operate In US.

USA Today (5/11, Jansen) reported that a federal appeals panel "upheld Friday the Transportation Department's approval for Norwegian Air International to serve the US." Four unions representing over 135,000 aviation workers had "challenged the decision by arguing that Norwegian was avoiding labor laws through its unusual corporate structure," but a three-judge panel on the DC Circuit Court of Appeals "ruled that neither federal law nor international agreement allowed the department to reject an airline application, if the carrier satisfied the requirements." The Department of Transportation did so in 2016. The unions have been concerned that Norwegian "represented unfair competition because it could hire crews for

lower wages." Norwegian, meanwhile, "contends it will benefit economies on both sides of the Atlantic by ordering \$18.5 billion of Boeing aircraft and hiring hundreds of US workers."

WTO Ruling In Favor Of US Complaint Against Airbus Expected Within Days.

The Wall Street Journal (5/11, Michaels, Wall, Subscription Publication) reported that the US is expected to win a World Trade Organization (WTO) procedural ruling as part of its dispute over the billions of dollars in European Union (EU) subsidies for Airbus. The US has argued that without \$22 billion in illegal EU subsidies, Airbus would not have

grown into a rival to Boeing. Penalties against Airbus could be as much as a billion dollars or more. The EU has filed a separate case against the US and The Boeing Company citing Pentagon and NASA funding as well as state and local tax breaks, and that case is expected to be addressed in the coming months. The WTO ruling could come as soon as Monday, and may clear the way for the US to impose penalties of several billion dollars annually against the EU

FAA Administrator Speaks At Uber Elevate Summit.

Wired (5/12, Stewart) reported that FAA Acting Administrator Dan Elwell spoke at Uber's annual Elevate Summit in Los Angeles, where the ride-sharing company presented its vision of future intra-urban drone transportation networks, or "flying taxis." Among the "nearly 1,000 attendees" from various organizations and institutions, the FAA was "unlike the other participants, who were all gung-ho about the possibility of launching passenger-stuffed drones off the top of tall buildings." Instead, the FAA "stressed that compared to smaller drones, the path to regulating human flight is likely to be different, harder, and longer." Elwell said the agency will focus on safety in regulating the transport of humans via electric VTOL aircraft proposed by Uber. Elwell stated, "You have more commitment, top to bottom," at the federal agencies "to bring these technologies to viable life than I've ever seen."

Re/code (5/11, Bhuiyan) reported that Uber "wants to begin testing its flying cars in 2020 – that's two years away – and have a network up and running in some places by 2023." While "federal regulators said that timeline may not be 'too ambitious'...they wouldn't yet commit to it because they have 'zero tolerance' for any degradations in safety."

Bloomberg News (5/11, Newcomer) reported that Uber has partnered with five air taxi manufacturers, including one owned by The Boeing Company. The consensus among the companies "building flying cars was that Uber's 2023 limited commercialization deadline is aggressive, but possible."

Fox News (5/11, Salazar) reported Uber is also partnering with NASA and is "supplying information to the agency so that it can simulate the flight of a small passenger-carrying aircraft within the airspace of Dallas Fort Worth International Airport, according to two recent statements by NASA." This Urban Air Mobility project will work on "a safe and efficient air transportation system," NASA stated, "where everything from small package delivery drones to passenger-carrying air taxis operate over populated areas, from small towns to the largest cities."

Bolton: US May Sanction European Companies That Continue To Do Business In Iran.

The Daily Mail (UK) (5/13, Chambers) reports that National Security Advisor John Bolton said on CNN's "State of the Union" that "it's possible" the Trump administration may impose sanctions on European companies that do not cease doing business with Iran by the end of the year. Companies in certain sectors have between 90 days to six months to "wind down operations in Iran or run the risk of facing stiff penalties now that the United States is no longer a party to an international accord that lifted sanctions on Tehran." In a statement, Rolls-Royce confirmed that it is examining "potential implications" of the US decision, adding that it "conducts business in all countries, including Iran, in accordance with all relevant UK, EU or other national sanctions and export control regulations."

AVIATION

Iran Awaits Word From Airbus On \$20 Billion Aircraft Deal.

Reuters (5/11, Hafezi) reported that Iran expects to hear from Airbus in the "coming days about the fate of an order for 100 planes that looks to have been wrecked by the United States' decision to reinstate sanctions on the Islamic Republic." The deal announced in December 2016 was potentially worth up to \$20 billion in list prices, but only three aircraft of the 100 have been delivered so far. The US has announced its intention to revoke the export license required to sell commercial aircraft to Iran, and although "Airbus is a European firm, its aircraft use US components and technology." According to a senior adviser to Iranian Roads and Urban Development Minister Asghar Fakhrieh-Kashan, "Airbus will announce its decision in the coming days." The loss of US export permits and "confirmation that Iran has not paid a deposit, as previously reported by Reuters, could force Airbus to tell investors the deal cannot go through."

Air Italy Takes Delivery Of Boeing 737 Max As Part Of Plan To Compete With Alitalia.

USA Today (5/12, Mutzabaugh) reported that Air Italy took delivery of its first Boeing 737 Max this past Friday, the "first of 20 Air Italy has on order, part of an broader plan to grow its fleet by 50 aircraft by 2022." The 737 Max will be used for "shorter routes within Italy and Europe." Air Italy is undertaking an "aggressive growth plan" linked to Qatar Airways' purchase of a 49 percent stake in the carrier last year. Qatar Airways CEO Akbar Al Baker "has made little secret that he hopes grow Air Italy into the nation's top airline as Alitalia struggles through yet another bankruptcy reorganization." Air Italy plans to make Milan Malpensa its main hub and "plans to quadruple its fleet and passenger numbers by 2022." Air Italy also plans to maintain a "reinforced base" at Rome's Fiumicino airport for long-haul routes.

US Marine Corps To Take Delivery Of First Operational CH-53K This Week.

FlightGlobal (5/12, Reim) reported that the US Marine Corps is scheduled to "take delivery of its first production version of the CH-53K King Stallion from Sikorsky early next week." The heavy-lift helicopter will be received at Marine Corps Air Station New River in North Carolina, where the "USMC said it plans to put the aircraft through its Supportability Test Plan by conducting a logistics assessment on the maintenance, sustainment and overall support of the King Stallion."

Spanish Union Ends Talks With Ryanair.

Reuters (5/11, Humphries) reported that the Spanish pilots' union SEPLA has "broken off talks with Ryanair" over a union recognition agreement, and plans to file a lawsuit against the carrier over Spanish contracts. Ryanair recognized unions for the first time in December, but "while it has come to agreements in Britain and Italy, it is still working towards deals with unions in other major centers such as Ireland and Spain."

London Southend Airport Trials System To Detect "Rogue" UAV Users.

BBC News Online (UK) (5/13) reports that London Southend Airport has conducted successful trials to "track and identify 'rogue' drone users" that have caused "an increased safety risk with up to four sightings in London airspace a week." The new surveillance technology can identify UAVs further away from airports, and according to an

airport spokeswoman, it also "identifies exactly where the operator is located." The system includes "two airfield sensors which offer 360-degree coverage up to 4km" in any weather condition.

UAVs Seen As "Major Threat" To Sports Stadiums. The Washington Post (5/10, Laris) reported that major league sports teams "are increasingly anxious about the more than one million drones government officials estimate are already in use," and are "asking Congress to give local law enforcement permission to seize or reroute drones flying over stadiums." The Department of Defense was "freed over the past two years, in certain cases, from prohibitions against intercepting electronic communications and 'sabotaging' aircraft" in order to address the potential threat from UAVs. Also, the Trump Administration has "proposed giving the departments of Homeland Security and Justice similar powers." Allowing UAVs to be "interrupted raises safety issues," according to some safety experts, and there are concerns that "stray signals from anti-drone defenses could interfere with cellphones or radios, possibly affecting heart monitors or airplane navigation equipment."

AFRL Showcases Automated Aircraft Maintenance System.

ExecutiveGov (5/11, Martin) reported that the US Air Force Research Laboratory's (AFRL) Manufacturing Technologies Division has "showcased a new a robotic system for aircraft maintenance." The Advanced Automation for Agile Aerospace Applications (A5) robot uses sensor feedback to "perform factory work in localized environments, Wright-Patterson AF Base said Thursday." The 22,000 pound robot is expected to reduce aircraft coating removal times by as much as 50 percent. According to AFRL Automation and Robotics Program Manager Rick Meyers, the A5 is "mounted on a mobile platform that allows it to move about an aircraft." The A5 is nearing the end of Phase I development, and is "scheduled to undergo additional testing on a C-17 aircraft in fall this year."

Companies Raise Funds To Design Bottle For Alcoholic Beverages In Space.

The Daily Mail (UK) (5/11, Cahillane) reported that Saber Astronautics Australia and 4 Pines Brewing are raising money to fund a new bottle design "based on fuel tanks to defy challenges of drinking in zero gravity" and allow astronauts to "enjoy [an] alcoholic beverage in space." According to the companies' Indiegogo posting, they hope to make a = 2bottle so astronauts and future space tourists can drink in space just as we do on land." According to an email, the developers are working on "two bottle designs which have had several rounds of industrial design with prototypes" and are scheduled for testing aboard parabolic flights early next year.

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SPACE

SpaceX Successfully Launches, Lands Falcon 9 Block 5.

Reuters (5/11, Rouletter) reported that the upgraded Block 5 version of SpaceX's Falcon 9 rocket "made its debut launch on Friday from Florida's Cape Canaveral carrying a communications satellite for Bangladesh into orbit." The Block 5 featuring around "100 upgrades for greater power, safety and reusability than its Block-4 predecessor" launched at 4:14 p.m. EDT from Kennedy Space Center (KSC) in Florida. The Falcon 9's first stage booster landed on an unmanned platform offshore around nine minutes after liftoff, and the Bangladeshi government's Bangabandhu-1 communications satellite successfully entered its intended orbit 33 minutes after launch. Friday's launch was SpaceX's ninth of the year. There had been five such missions at the same point in 2017, according to SpaceX CEO Elon Musk. The Block 5 booster is designed to be "reused at least 10 times with minimal refurbishment between flights, allowing more frequent launches at lower cost – a key to the SpaceX business model." SpaceX has safely landed 24 boosters and reflown 11 of them. The Block 5 Falcon 9 is expected to be SpaceX's first vehicle to "satisfy NASA's standards for its Commercial Crew Program" to carry astronauts to the ISS. NASA requires seven successful flights to attain certification for a manned mission. The rocket also will be used to launch "US Air Force global positioning satellites and other high-value, military and national security payloads."

Spaceflight Now (5/11), Bloomberg News (5/11), USA Today (5/11), and The Orlando (FL) Sentinel (5/11) hosted video of the launch.

SpaceX Plans To Fly Around 300 Block 5 Missions Before Retiring Falcon 9. SPACE (5/11, Wall) reported that during a prelaunch call with reporters, Musk said that Block 5 first stages may be able to fly as many as 100 times with some refurbishment. According to Musk, the rocket's first and second stage Merlin engines have around eight and five percent more thrust, respectively, than their Block 4 counterparts. Musk added that the new Falcon 9 is "really better in every way than the Block 4," and has been designed to be "the most reliable rocket ever built." The Block 5 will be SpaceX's last version of the Falcon 9, which is eventually to be discontinued in favor of the Big Falcon Rocket (BFR) still in development. SpaceX is likely to produce between 30 to 50 Falcon 9 Block 5s, "which together will fly on the order of 300 missions before they're entirely superseded by the BFR, Musk said during yesterday's call."

CNBC (5/11, Sheetz) reported Musk stated on the prelaunch call that SpaceX is "on track to be double our launch rate last year."

NASA Continues To Call For Delay In Decadal Survey.

Space News (5/11, Foust, Subscription Publication) reported that due to uncertainty over the status of the James Webb Space Telescope (JWST) and Wide-Field Infrared Survey Telescope (WFIRST), NASA continues to "suggest that the next decadal survey for astrophysics be postponed, a move opposed by many astronomers." The decadal survey identifies "priorities in astrophysics research and prioritizes both ground-based and space-based

observatories to carry out that work." The JWST and WFIRST are identified by the survey as flagship missions for the next decade, and NASA officials including Associate Administrator for Science Thomas Zurbuchen "are concerned that the next decadal survey committee may not be able to effectively prioritize missions in the next decade due to uncertainties in the status of JWST and WFIRST." A two-year delay of the study, they argue, could help mitigate these concerns. The next decadal survey, Astro2020, is scheduled to begin around the end of this year with the "selection of a chair of the committee that leads the study," with the report completed and released by late 2020. JWST is now scheduled to launch in May 2020, while the White House has proposed canceling the WFIRST mission. However, many astronomers "have no desire to delay Astro2020," and a delay would have to be coordinated with supporting agencies such as the National Science Foundation (NSF).

Experts Consider Potential For First "Space Trillionaire."

Aerospace America (5/11, Risen) reported on discussions at last week's Humans to Mars Summit in Washington, DC centered on space entrepreneurship. During the event, Sen. Ted Cruz (R-TX) said, "I believe the first trillionaire will be made in space." While attendees and presenters "seemed optimistic about growth" of the space industry, some were "less sure about Cruz's trillionaire prediction." Star Century Partners founding partner Rick Tumlinson estimated that initial Mars exploration efforts will not be overly profitable due to the planet's distance from Earth. Low gravity manufacturing, Tumlinson pointed out, could be carried out on the lunar surface or a space station much closer to Earth. He also said, "As far as I've seen there is no business plan that (addresses) being able to go to Mars and do something of financial value." Explore Mars co-founder Chris Carberry sees the "immediate incentive to visit Mars" as exploration versus profit, and suggests that "we don't quite see what the market would be for Mars, but it's the inspirational driver, the science driver, the future-of-humanity driver." Still, Carberry believes that there "will be a space trillionaire, it's just a matter of whether someone gets there first making money the traditional way on Earth."

NASA Releases New Image Of Saturn's Rings, Moons.

SPACE (5/11) reported that NASA has released a new image of Saturn's rings and its moons Mimas, Janus, and Tethys taken by the Cassini spacecraft in 2006. The photograph shows Saturn's "arcing limb, its razor-thin rings (seen edge on) and three of Saturn's many moons" from a distance of 1.7 million miles.

ULA Selects Aerojet Rocketdyne Engines For Vulcan Centaur's Upper Stage.

The Orlando (FL) Sentinel (5/11, Tribou) reported that United Launch Alliance (ULA) has selected Aerojet Rocketdyne's RL10 upper-stage engines for its Vulcan Centaur rocket over engines offered by competitor Blue Origin. ULA has not selected a supplier for Vulcan's first stage engines, and "Blue Origin and Aerojet Rocketdyne are still competing for that." According to ULA President and CEO Tory Bruno, ULA could "not be more pleased to have selected the proven and reliable RL10 to power our Vulcan Centaur upper stage." Orbital ATK also selected Aerojet Rocketdyne engines for the Omega rocket's upper stage.

Space News (5/11, Foust, Subscription Publication) reported that the RL10C-X variant to be used on the Vulcan incorporates "improvements, like additive manufacturing of engine components, to improve its quality and affordability." An agreement reached between ULA and Aerojet "covers the delivery of engines over the next decade," and the companies pledged to jointly invest in engine development. Aerojet President and CEO Eileen Drake is

paraphrased as stating that the company was able to reduce the part content of a "copper thrust chamber for the RL10 by 70 percent through the use of additive manufacturing.?"

MANUFACTURING

Manufacturing Day 2018 To Focus On Skilled Worker Shortage.

In a press release, the [Manufacturing Institute](#) (5/11) reported that "Manufacturing Day (MFG) 2018 will occur on October 5 with expected record-breaking turnout." The article added that this year, "MFG Day will focus on one of the biggest problems manufacturers face – a shortage of skilled workers." The release also said that "MFG Day goes a long way to inspire the next generation to pursue rewarding manufacturing careers." The release quoted Manufacturing Institute Executive Director Carolyn Lee saying, "Manufacturing offers many promising career options for the next generation – often without the financial burdens of college debt – and these well-paying jobs are in an industry that is modern, optimistic and growing. Yet, too often, the very talented younger Americans who could make the most of these careers either don't know they exist or have the wrong idea about what a career in modern manufacturing might look like." Lee added, "That's why we organize MFG Day events across the country – to inspire the next generation of manufacturers so that they can gain access to the fulfilling careers they deserve, and to help manufacturers fill the more than 391,000 open jobs in manufacturing today."

FRIDAY'S LEAD STORIES

- **FAA UAV Pilot Program To Run Around Two-And-A-Half Years.**
- **Uber CEO "Reasonably Confident" Company Can Begin Air Taxi Flights By 2023.**
- **Technical Issues Delay SpaceX Falcon 9 Block 5 Launch.**
- **GE Aviation Opens New \$200M Manufacturing Facility In Alabama.**
- **ED Civil Rights Data Show Minority-Majority High Schools Have Fewer STEM Courses.**

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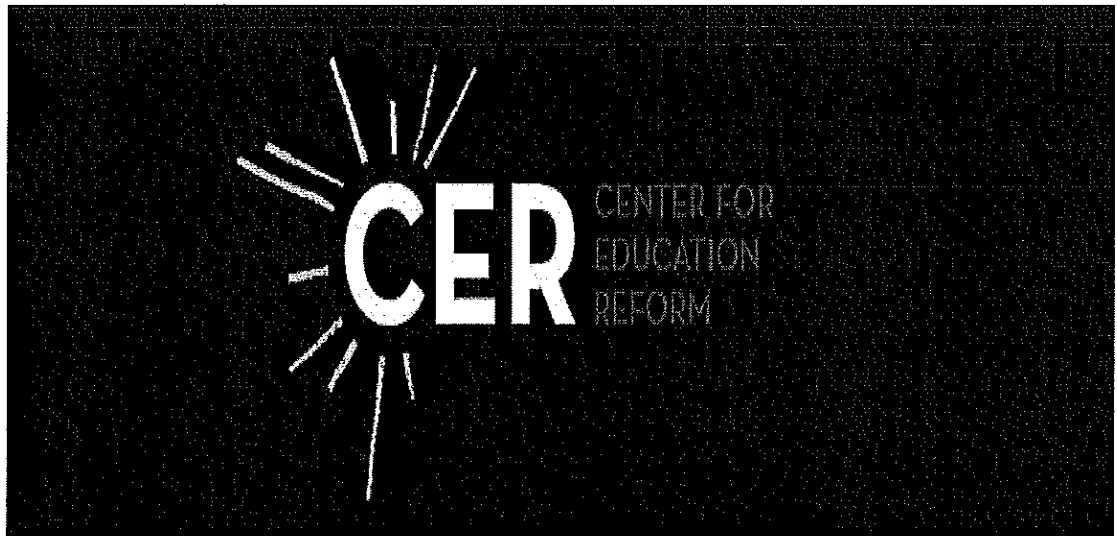
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The Aerospace States Association is an association of state Lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

REFLECTIONS. Last week America celebrated National Charter Schools Week. In the 27 years since the founding of the charter school movement, tremendous progress has been made in the number of schools established, and in the wealth of innovative opportunities they offer to children, families, teachers and communities.

Each day of NCSW, schools, educators, advocates and thought leaders produced a combo of thousands of stories, data points and reflections about the role charters have played in transforming how public education works. Parents, policy advocates, legislators – and some of brightest minds in the

areas of education technology, pedagogy, curriculum, teaching and learning have helped create a vibrant environment for student success among more than 3 million students who annually benefit from charter school education. As we reported last week however, despite that success, the reality is charters are "Opportunities Under Siege." We took an unflinching look at the forces and foes that could jeopardize all the hard-fought victories and advancement of the innovation and opportunity that 7,000 charter schools have delivered.

Check out this dedicated web resource site, daily releases, Op-Eds, media engagement, social media, videos and Reality Check with Jeanne Allen podcasts with pioneers and advocates such as Success Academy founder Eva Moskowitz, charter innovator, scholar and author, Sarah Tantillo and respected pioneer who participated in the birth of the modern Charter School Movement, Howard Fuller. We explored the drivers of change, diversity and world-class education and those who strive to un-do this vital work. Our goals for this week were to galvanize charter school educators and administrators against teachers' union pressures for strikes and walkouts, dispel false claims to set the record straight in the media, reenergize parents and students, and bring urgency to legislators to pass strong charter laws and fund the ones already passed.

LOOMING STORM CLOUDS IN NORTH CAROLINA gather as union-backed strikes are scheduled for Wednesday May 16th in Raleigh with attendance expected to be high. This is another in a wave of coordinated efforts to engage charter school teachers to abandon their classrooms and their students under the façade of solidarity to suit their own agenda, optics and ultimately their coffers. This is the fifth in a series of walk-outs and sick-outs being encouraged by the National Education Association (NEA). The first was in West Virginia and lasted nine days. Subsequently, the NEA encouraged teachers in Oklahoma to walk, even though they won a 16 percent raise from the Oklahoma legislature before the nine-day walk-outs even began. Then there was Kentucky, followed by Arizona where new money for schools was already on the table prior to that walk-out as well.

A WORD TO ALL CHARTER EDUCATORS: While we appreciate that teachers are naturally collaborators, this national walk-out strategy is designed to undermine the very freedoms that charter schools afford not only their families but all who work there. The NEA believes all charters should fall under the same rules as traditional public schools, which, in effect, would make them no different than traditional schools. They fight charter schools in school halls and state halls. They are calling it a walk-out because the public does not like strikes, and they have poll-tested the words. (***The NEA spends \$34 million a year on its communications.***) And they are calling it a walk-out because they don't have the authority to make anyone do anything in a right-to-work state. However, this is a strike, plain and simple. And by striking with the union, you are joining the fight to close charter schools.



FOLLOW-UP TO:
**THE CASE FOR
EDUCATION
TRANSFORMATION**

Part I. The Disappointing
Reality of American
Education

*First released –
February 2018*

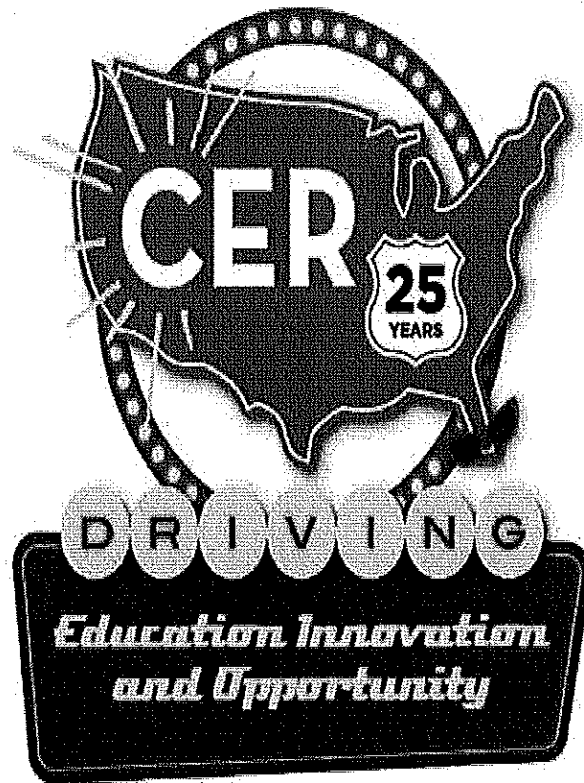
THE CASE FOR EDUCATION TRANSFORMATION

Part II. Opportunity

MAY 2018

THE CASE FOR EDUCATION TRANSFORMATION: CER released the second in a three-part series for The Case for Education Transformation - Opportunity. Following last month's release of Part I- The Disappointing Reality of American Education, which included 2018 National Assessment of Educational Progress (NAEP) alarming data revealing that the lowest performing students in the nation are faring worse than they did on the same assessment in 2015. Part II also assesses what a new opportunity agenda should look like and presents a strategic road map to achieve it.

CER SALUTES 20 YEARS OF EMPOWERING FAMILIES. The Children's Scholarship Fund is 20 years old, and celebrates this milestone tonight in NYC. If you are in New York City – COME! Tickets are available to join the celebration and special memories of visionary founders Ted Forstmann and John Walton. And at CSF's helm for the entire 20 years the organization has been supporting more than 166,000 students with scholarships is president and chief operating officer, Darla Romfo. We spoke with her on this week's Reality Check with Jeanne Allen. Hear why even with today's availability of greater educational choices, Darla says CFS's work is more important than ever, "It's still the right thing to do – to keep trying to make a difference," she urges, "You can never give up."



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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From: Public Policy Law360
Sent: Friday, May 18, 2018 4:38 AM
To: Rep30
Subject: Senate Nearing Point Of No Return On Judicial Confirmations



Friday, May 18, 2018



TOP NEWS

Analysis

Senate Nearing Point Of No Return On Judicial Confirmations

President Donald Trump kept up the momentum this week in his push to reshape the federal courts by getting his 21st circuit court judge confirmed through a sharply divided Senate, but the effort to leave his stamp on the judiciary may permanently alter how the chamber confirms judges — and how quickly. [Read more »](#)

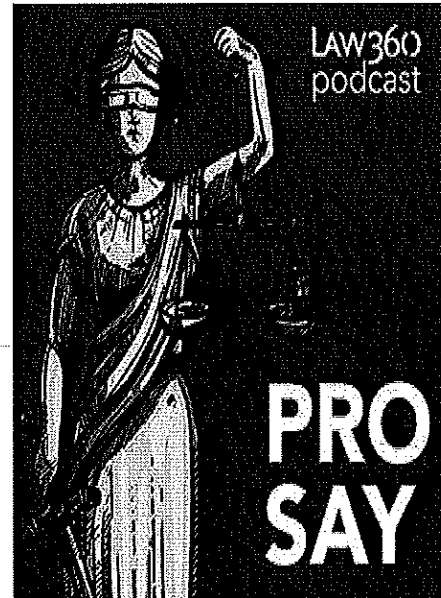
Analysis

FDA Shames Anti-Generic Tactics, Putting Onus On Congress

The U.S. Food and Drug Administration on Thursday named and shamed drugmakers suspected of impeding lower-cost generics by withholding product samples, a splashy move that could jolt Congress into taking action. [Read more »](#)

EU Will Implement Tariffs On \$3B In US Goods

The European Union on Wednesday announced it will implement tariffs on more than \$3 billion of U.S. goods to retaliate against the Trump administration's recently



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LAW FIRMS

Akerman
Akin Gump
Baker McKenzie
BakerHostetler
Beck Redden
Bryan Cave
Constangy Brooks
Cotchett Pitre

enacted tariffs on imports of steel and aluminum. [Read more »](#)

EPA Floats Rollback Of Obama-Era Chemical Safety Regs

The U.S. Environmental Protection Agency on Thursday proposed rollbacks of several key provisions of an Obama-era chemical risk management rule as it fights a legal battle with environmental groups and a steelworkers' union over a delay of the rule to mull reconsideration bids from industry groups and several states. [Read more »](#)

Senate OKs 1st Female CIA Chief Despite Torture Concerns

President Donald Trump's choice to lead the CIA, Gina Haspel, cleared the Senate on Thursday despite opposition from a number of Democrats and Republicans over her record at the agency, including her oversight of so-called black sites and torture of terror suspects. [Read more »](#)

BANKING & SECURITIES

Calif., NY, Ore. Push On In Fiduciary Rule Case

The attorneys general of California, New York and Oregon showed on Wednesday that they aren't ready to give up the fight to save the U.S. Department of Labor's fiduciary rule, asking the full Fifth Circuit for permission to intervene in the case after a three-judge panel wouldn't let them. [Read more »](#)

ENERGY & ENVIRONMENTAL

FERC Tees Up Review Of Public Utility Regulatory Policies

The chairman of the Federal Energy Regulatory Commission announced Thursday that the commission will review its longstanding policies under the four-decade-old Public Utility Regulatory Policies Act, which

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Quinn Emanuel
Reed Smith
Ropes & Gray
Schlossberg LLC
Squire Patton Boggs
Stoel Rives
Vinson & Elkins
Wiley Rein
WilmerHale

COMPANIES

AARP Inc.
AT&T Inc.

directs utilities to buy electricity from small-scale producers. [Read more »](#)

Immigration Standoff Threatens Farm Bill Passage In House

Congress' long-simmering immigration debate boiled over Thursday, potentially upsetting the five-year reauthorization of many farm and food stamp programs in the House as conservative members threatened to vote down the legislation. [Read more »](#)

Minn. Legislature Passes Bill To Greenlight Pipeline Project

The Minnesota House of Representatives on Thursday passed an amended piece of legislation that authorizes the company behind a pipeline replacement project to go ahead with construction, according to legislative records. [Read more »](#)

MEDIA & ENTERTAINMENT

NCAA May Change Gambling-Related Rules

The National Collegiate Athletic Association on Thursday said it is suspending its ban on championship games in states that allow sports betting and that it may consider permanent rule changes in response to the U.S. Supreme Court's Monday sports gambling ruling. [Read more »](#)

Conservative Blogger Defeats Fees But Not Ethics Fine Suit

A Texas appellate court on Thursday held that a conservative activist and blogger who was fighting a \$10,000 fine from the Texas Ethics Commission for failing to register as a lobbyist cannot use a state free speech law to dismiss his own administrative appeal of the fine [Read more »](#)

REAL ESTATE

Achmea BV

Airbnb Inc.

Amazon.com Inc.

American Bar Association

American Council of Life Insurers

American Gaming Association

Apollo Global Management LLC

Apple Inc.

Association for Accessible Medicines

Charter Communications Inc.

Comcast Corporation

DePuy Synthes Cos.

Emerson Electric Co.

Enbridge

Facebook

Google Inc.

HomeAway Inc.

International Centre for Settlement of Investment Disputes

Intuit Inc.

Johnson & Johnson

LM Ericsson Telephone Company

Major Lindsey & Africa

Marathon Petroleum Corp.

Mylan NV

National Collegiate Athletic Association

National Congress of American Indians

National Federation of Independent Business

National Immigration Law Center

National Right to Work Legal Defense Foundation

National Telephone Cooperative Association

Netflix Inc.

New York Immigration Coalition

Plans For \$4B Miami Mega-Mall Advance With Key Approvals

Plans for the massive American Dream Miami entertainment-retail complex passed key mileposts Thursday as the Miami-Dade County Commission approved land use and zoning applications and a development agreement needed for the \$4 billion project to move forward. [Read more »](#)

Santa Monica Urges 9th Circ. To OK Home-Share Ordinance

Santa Monica, California, slammed Airbnb and HomeAway's bid to nix a city ordinance requiring residents who use the home-sharing websites for short-term rentals to obtain licenses, telling the Ninth Circuit on Wednesday that the companies' argument that the Communications Decency Act preempts the ordinance is flawed. [Read more »](#)

EMPLOYMENT

Premium Hike May Help Save Multiemployer Funds' Safety Net

The director of a government-run insurance fund that pays workers' retirement benefits when their employers' pension funds tank told a group of lawmakers on Thursday that multiemployer plans will need to start paying about five times more in premiums to save the fund from insolvency. [Read more »](#)

Workers Ask Justices To Stop Calif. Union Mediation Scheme

Eight workers for a fruit grower asked the U.S. Supreme Court Wednesday to take up their employer's challenge to a California Supreme Court ruling upholding a state mechanism that sends union-represented farmworkers and farms to mediation if they can't reach a deal, saying it's forcing them to work under a contract they don't want. [Read more »](#)

CONSUMER PROTECTION

Nickelodeon Global Network Ventures Inc.

Pacific Legal Foundation

RLJ Lodging Trust

Remington Arms Co. LLC

Sierra Club

Sinclair Broadcast Group, Inc.

Staples Inc.

Starbucks Corporation

State Bar of California

The City University of New York

The Walt Disney Co.

Tribune Media Co.

TripleFive Group of Companies

Twilio Inc.

Twitter Inc.

U.S. Chamber of Commerce

United Farm Workers

United Nations Commission on International Trade Law

United States Telecom Association

United Steelworkers

Wal-Mart Stores Inc.

Walt Disney Parks & Resorts Worldwide Inc.

Washington Post Co.

Xerox Corporation

Yelp Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

California Natural Resources Agency

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Consumer Financial Protection Bureau

Bid To Undo CFPB's Payday Lending Rule Via CRA Fizzles

Consumer advocates claimed victory on Thursday after lawmakers appeared to run out of time for passing a Congressional Review Act resolution to roll back Consumer Financial Protection Bureau restrictions on short-term, high-interest lenders. [Read more »](#)

INTERNATIONAL TRADE

US May Revoke Thailand Tariff Cuts Following Pork Complaint

Thailand's alleged failure to let U.S. pork producers access its market could cost it a spot on the newly reauthorized U.S. Generalized System of Preferences program, which slashes duties on imports from developing nations, the U.S. trade representative's office said Thursday. [Read more »](#)

Netherlands Outlines New EU Investment Pact

The Netherlands has restructured its investment arbitration system in a draft version of its bilateral investment treaty with Slovakia, following a groundbreaking decision issued earlier in March by Europe's top court that found the old investor-state dispute resolution mechanism under the treaty to be incompatible with EU law. [Read more »](#)

TAX

Seattle Approves Head-Tax Bill Blasted By Amazon, Starbucks

Seattle's Democratic Mayor Jenny Durkan said she signed a bill imposing an annual \$275-per-employee tax on companies making more than \$20 million a year despite strong opposition from hometown corporate giants Amazon and Starbucks. [Read more »](#)

IMMIGRATION

Equal Employment Opportunity Commission

European Union

Executive Office of the President

Federal Communications Commission

Federal Election Commission

Federal Energy Regulatory Commission

Federal Housing Administration

Federal Trade Commission

Food and Drug Administration

Internal Revenue Service

Leech Lake Band of Ojibwe

New Jersey Attorney General's Office

New York Attorney General's Office

New York State Unified Court System

Pennsylvania Department of Health

Pension Benefit Guaranty Corp.

Permanent Court of Arbitration

Texas Ethics Commission

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

Trump Says 'Animals' Remark Only Meant Gang Members

President Donald Trump on Thursday tried to reframe comments he made Wednesday that referred to some immigrants as "animals," saying he really meant to use the dehumanizing term only for members of gangs, not for immigrants in general. [Read more »](#)

Lawmakers Urge DHS To Keep H-4 Work Authorization

A bipartisan group of 130 lawmakers urged the U.S. Department of Homeland Security to keep in place an Obama-era rule that allows spouses of H-1B visa holders to work in the U.S., following the Trump administration's announcement that it would rescind their work authorization in June. [Read more »](#)

ICE, CBP Hit With Suit Over Docs On 'Matador' Initiative

An immigrant advocacy group accused U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection in New York federal court Wednesday of refusing to hand over records relating to an anti-gang initiative known as "Operation Matador," which the group says is a pretext to target and detain immigrant youth of color. [Read more »](#)

NATIVE AMERICAN

Senate Panel OKs Bill To Boost Indian Country In Farm Bill

The U.S. Senate Committee on Indian Affairs has pushed through a bipartisan piece of legislation meant to authorize greater tribal self-governance, agricultural production and more rural development opportunities and agribusiness for Native American communities, ranchers and farmers. [Read more »](#)

NJ Says History Shows It Never Formally Recognized Tribe

New Jersey's attorney general on Wednesday told a federal judge that a push by the

U.S. Senate Committee on Indian Affairs

U.S. Supreme Court

World Bank Group

World Trade Organization

Nanticoke Lenni-Lenape Tribal Nation for an early win on its allegations that the state improperly refused to recognize the tribe should fail, saying history proved its view of the tribe was consistent. [Read more »](#)

TELECOMMUNICATIONS

Feature

Debunking 5 Myths Surrounding The Net Neutrality CRA

Senate Democrats celebrated a breakthrough Wednesday when they won passage of a resolution to preserve Obama-era net neutrality rules, but the move also prompted questions about the measure's endgame and perpetuated common myths. Here, Law360 debunks five misconceptions surrounding Wednesday's Senate vote and the current status of net neutrality. [Read more »](#)

Leahy Rips Pai On Net Neutrality, Rural Broadband Coverage

Sen. Patrick Leahy, D-Vt., tore into FCC chair Ajit Pai Thursday during a subcommittee budget hearing, criticizing his policies and allegedly contemptuous tone while asking him, unsuccessfully, to quantify how much scrapping net neutrality might spur broadband deployment in rural areas. [Read more »](#)

FCC's June Meeting Will Address Broadband Subsidy Program

At its upcoming open commission meeting, the Federal Communications Commission is expected to vote on whether certain rural broadband providers should be eligible for a break on their contributions to the Universal Service Fund, the agency said Thursday. [Read more »](#)

WHITE COLLAR

Ariz. Men Charged With \$23M PAC Donation Scheme

The U.S. Department of Justice unsealed a criminal complaint Thursday in Manhattan federal court, charging two Arizona men with fraud and money laundering for allegedly using nine fake political action committees to raise more than \$23 million from unsuspecting donors. [Read more »](#)

PEOPLE

Ex-US Sen. Evan Bayh Lands Cozen O'Connor Lobbying Gig

The former U.S. senator and governor from Indiana once a stone's throw away from serving as President Barack Obama's vice president has joined Cozen O'Connor as of counsel, where he will serve as senior adviser for its lobbying wing. [Read more »](#)

Q&A

Q&A

A Chat With Perkins Practice Management Chief Toby Brown

In this monthly series, legal recruiting experts at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Toby Brown, chief practice management officer at Perkins Coie LLP. [Read more »](#)

EXPERT ANALYSIS

A Look Inside Trump's 4-Point Plan For Curbing Drug Prices

President Donald Trump recently outlined his administration's plan for lowering prescription drug prices. Tom Bulleit and Kirsten Mayer of Ropes & Gray LLP break down the key proposals and assess the likely paths forward. [Read more »](#)

California May Pass Its Own GDPR

If approved by voters in November, the California Consumer Privacy Act would impose

a sweeping privacy regime like the EU's General Data Protection Regulation. The act covers virtually all information a business has about a consumer, expanding far beyond traditional notions of personal information, say Purvi Patel and Alexandra Laks of Morrison & Foerster LLP. [Read more »](#)

Reducing Retirement Saving Barriers For Gig Workers

Workers in the gig economy are currently not entitled to enjoy a traditional employer-based retirement plan because such plans are subject to stringent rules and only permitted to cover employees, not independent contractors. However, Congress is attempting to address this issue via the recently reintroduced Retirement Enhancement and Savings Act, says Brett Owens of Fisher Phillips. [Read more »](#)

Key Issues States Face In The Wake Of Sports Bet Ruling

While the U.S. Supreme Court's decision this week removing the federal ban on sports betting may appear straightforward, the path toward regulating sports betting across the United States may be anything but simple, say attorneys with Bryan Cave Leighton Paisner LLP. [Read more »](#)

New Medical Marijuana Challenges For Pa. Employers

As access to medical marijuana in Pennsylvania continues to grow — to date, 22 dispensaries have opened throughout the state — employers face fresh concerns about the impact of legalization on their operations as well as their obligations under the law, say John McDonald and Melissa Ferrara of Reed Smith LLP. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: The Lanier Law Firm's Mark Lanier

Winning a \$247 million jury verdict in a bellwether trial against Johnson & Johnson over allegedly faulty hip implants was just one of the major victories Mark Lanier of The Lanier Law Firm tallied last year, earning him a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

NYC Atty Threatening To Call ICE Faces Complaint From Pols

The man who was filmed screaming at employees of a New York City restaurant for speaking Spanish, then later identified as a complex commercial and insurance coverage attorney, is facing a formal complaint filed in the state court system's Departmental Disciplinary Committee. [Read more »](#)

Female Law Profs To Get \$2.7M In EEOC Unfair Pay Suit

The U.S. Equal Employment Opportunity Commission won a Colorado federal judge's approval Thursday for a deal requiring the University of Denver's Sturm College of Law to pay nearly \$2.7 million to end a suit alleging it paid female law professors less than their male counterparts. [Read more ½ B](#)

Calif. Bar Warns Attys Of Fee Phishing Scam

The State Bar of California sent out an alert Thursday warning attorneys licensed in the state to be aware of a phishing scam coming in the form of suspicious emails claiming that their fee payments to the bar are overdue. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Gibson Dunn is this week's top legal lion, securing a decision from the U.S. Supreme Court striking down a federal law that prohibited states from legalizing sports betting, while Baker McKenzie ended up on the legal lambs list after a federal judge dismissed a \$7

billion lawsuit its client, Facebook, had filed
against the IRS. [Read more »](#)

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To: Rep30

Subject: Kellyanne Conway Shutdown An Anti-Trump CNN Host With One Simple Truth

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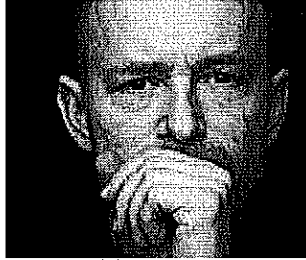
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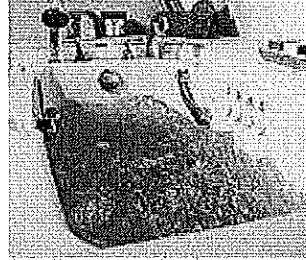
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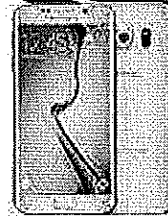
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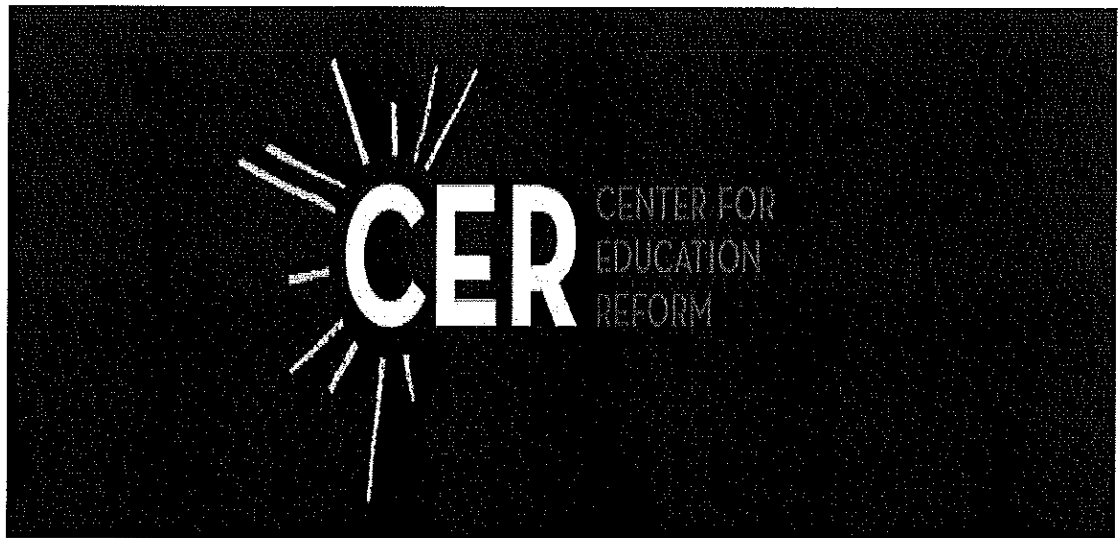
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